

# GIBRALTAR

## HOUSE OF ASSEMBLY



## QUESTIONS AND ANSWERS

Meeting of  
26 June 1984  
33 to 85

THE HON J E PILCHER

Has the management contract between the Gibraltar Shiprepair Limited and A & P Appledore International been agreed?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 33 OF 1984

HON J E PILCHER:

Could the Honourable the Financial Secretary seeing that I have been checking the Hansard of the 18th October where it was said at that time that the draft was already ready, their agreement was in draft form, in fact it spoke of a provision for the Controller as well, this is way back in October, 1983. The company is now working, could the Honourable Financial Secretary tell us when there is a likelihood of this contract being agreed?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, as I said in my reply on a more recent occasion than that quoted by the Honourable Member, namely, in the debate on the Appropriation Bill, I would not expect the Management Agreement to be ratified until my replacement as Chairman of GSL is in office.

HON J E PILCHER:

Will the Honourable Financial and Development Secretary tell us how Appledore is being paid at the moment, is it still through ODA funds direct?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The arrangement for remuneration of certain members of GSL, I think I would say the senior Appledore personnel, including the Managing Director, for example, is at present covered by the terms of the Consultancy Agreement with the ODA. The remuneration of other employees of GSL is, of course, from the funds made available by the ODA following the application to Her Majesty's Government for the release of the £28m.

HON J BOSSANO:

Is, in fact, Appledore already receiving part of the £300,000 management fee, apart from the question of the individuals who may be employed in doing work for the company?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker.

HON J BOSSANO:

And that in fact will not happen until the management agreement is signed, am I right?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is correct, Mr Speaker.

HON J E PILCHER:

So at this time the Gibraltar Government do not have a direct control over the managers of the GSL since they are being paid direct from ODA?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Gibraltar Government are 100% owners of Gibraltar Shiprepair Limited and that is therefore of control.

THE HON J E PILCHER

On what terms has the Ministry of Defence made available 44 properties for the use of expatriate managers of the Gibraltar Shiprepair Limited?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, up to 46 properties will be made available on a three year lease.

SUPPLEMENTARY TO QUESTION NO. 34 OF 1984

HON J E PILCHER:

Mr Speaker, what rents are being paid and who is paying the rent, the company or the individuals?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the Honourable Member has already written to the Honourable the Chief Minister on this subject and the Chief Minister provided the Honourable Member with details of the properties in question. The Chief Minister also made the point in his reply that detailed questions affecting the properties should really be a matter for the Honourable Member to raise directly with GSL.

HON J E PILCHER:

Mr Speaker, I am asking a general question. Are the rents of the properties being paid by the company or by the individuals?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think this is a matter for the company, Mr Speaker.

MR SPEAKER:

In fairness to the questioner, you are being asked a simple question. Is the rent being paid by the individual or by the company? The answer is by one or the other or I cannot answer.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well, I think that is a matter for arrangement between the company and the individuals.

MR SPEAKER:

That is what you are being asked, have any arrangements been made.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Arrangements have not yet been made, no.

HON J BOSSANO:

Is it, Mr Speaker, that the Government does not accept a responsibility for answering questions in the House regarding a company of which they are 100% owners, and can the Hon Financial and Development Secretary explain what authority a Member of the Opposition has got to put questions to a private limited company without being told to go and mind his own business?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think that the latter part of the Honourable Leader of the Opposition's question is a hypothetical one, Mr Speaker. I would be surprised if any Member of the company which I am privileged to be the Chairman for the time being, would be so discourteous as to reply in that way, but I do think, indeed I am at pains to emphasize the point, that matters of day to day administration are not really for the Government to answer in this House.

MR SPEAKER:

What is to be answered in this House or not is not for the Honourable Member to say but what Honourable Members wish to answer is another matter. I will say that I have already made a ruling insofar as the Gibraltar Quarry Company is concerned and the procedure is very simple and very clear. Insofar as matters affecting the day to day administration of GSL are concerned and as far as the responsibility of the Honourable the Financial Secretary to that company as Chairman is concerned, he is not answerable to this House. Insofar as any matters to which Government responsibility applies, he is answerable.

HON CHIEF MINISTER:

First of all we are breaking reasonably new ground on this matter because of the Quarry Company and this one. Secondly, because it happens to be that the Financial and Development Secretary who sits here as Financial and Development Secretary, happens to be the temporary Chairman of the company. When his identity as temporary Chairman of the company disappears, then of course his knowledge of detail which he is expected to know as Chairman will be much more remote than it is now and then, of course, perhaps his position will be seen clearer that on day to day matters it is the company, formed under the Companies legislation, which have to carry on its business in its own way and that it is only answerable to the shareholder, the Government, in matters of policy which the Government will be fully responsible for, in major matters of policy within the terms of the management agreement that will be signed between GSL and the operators.

MR SPEAKER:

May I ask to be clear in my mind, insofar as the properties are concerned, are the properties being released direct to GSL or to the Government?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

To Gibraltar Shiprepair Limited.

MR SPEAKER:

Then it is a matter for Gibraltar Shiprepair Limited.

HON J BOSSANO:

Mr Speaker, if I can put a supplementary to the very useful question that you asked. If, in fact, the properties are being released directly to GSL, isn't this contrary to the whole question that the Government has followed that all properties no longer used by the MOD pass to the Government of Gibraltar, I mean, the Lands Memorandum and all the rest of it? The Government is in agreement that private companies should get properties direct from the MOD or is any other limited company precluded from renting property from MOD?

HON CHIEF MINISTER:

Mr Speaker, for obvious reasons, the company which has been formed in full consultation with the British Government, have been entrusted with the funds to run the company itself. This is an arrangement for this, it carries with it the transfer to the company by the MOD, in due course, all the assets in the Dockyard to the company that is owned by the Government. I think if the Honourable Member considers the position with regard to the nationalised industries in the United Kingdom, he will see that nobody is answerable in Parliament for the nationalised industries in the United Kingdom and this could be not exactly the same because it has not been in that way made into a major corporation, but it is the same in that it is a separate legalised entity in the form of Gibraltar Shiprepair Limited.

HON J BOSSANO:

Mr Speaker, isn't it the case that the Honourable and Learned the Chief Minister signed an agreement in July 1983, with Sir Geoffrey Howe and that one of the clauses in that agreement provided for the Ministry of Defence to make available to the managers of the Shiprepair Company for their occupation 46 properties and that is a fact. Doesn't the Chief Minister have to answer in this House questions regarding the consequences of the agreement that he signed?

HON CHIEF MINISTER:

I have no recollection that the question of the 46 quarters or whatever it is, is out in the agreement and no doubt the Hon Member, who is very well documented, has got a copy of the agreement there. My own recollection is that it hasn't and even if it had it was the arrangement whereby the commercialisation of the Dockyard took place. I think, with respect, the Hon Member is a bit confused about this question of the transfer of land and so on. Of course it is obvious that the owners of the Dockyard will be the Gibraltar Government through a company owned by the Gibraltar Government. The management of it, the way in which

the thing is going to be worked out, is being explained by the Financial and Development Secretary and to the extent that I am able by myself.

HON J BOSSANO:

Mr Speaker, I am afraid nothing has been explained. The position, Mr Speaker, is that 46 flats have been passed or are to be passed from the Ministry of Defence to a company of which the Government is 100% owner. Does the Government know on what terms those flats are being made available to Gibraltar Shiprepair Limited, or doesn't it know?

HON CHIEF MINISTER:

The availability of these quarters, which was not an easy thing to obtain, let me tell the Honourable Member, not an easy thing to obtain, in order not to press further on the demands on housing in the private sector and certainly in the public sector because we were in no position as a Government, to take on the responsibility of having to house these people and the agreement was reached that they would make these flats available. They have done so on a three year contract, we have made some reservations for the future and for the moment it is on the basis that it is granted to the GSL for personnel of their managers to run the commercial side of the Dockyard.

HON J BOSSANO:

And does the Chief Minister know how much GSL is going to be paying the MOD for those properties in those three years. Are they free of charge, is there a rent?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

There will be rent, certainly, Mr Speaker.

HON J BOSSANO:

The Government doesn't know what the rent is at this moment, is that the case?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I do not know what the rent is at this moment, Mr Speaker.

HON J BOSSANO:

The Chairman of the company does not know the rent he is paying for 46 properties.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well, one of the reasons is, of course, that the properties are not yet being rented.

MR SPEAKER:

And I am sure the other reason is because it is still not clear as to whether it is going to be paid by the Gibraltar Shiprepair Limited or by the employees. Is that correct?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, I did not hear that.

MR SPEAKER:

Another reason being that it is not clear yet whether the rent will be paid by the Gibraltar Shiprepair Limited or by the employees. Correct me if I am wrong.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not sure what the precise arrangement is. Remuneration is normally a package of salary and arrangements for meeting accommodation. I am not in a position to give details, Mr Speaker.

HON J E PILCHER:

Mr Speaker, does that mean that the MOD have signed a three year contract with the GSL of which the Government do not know the provisions. Is that what the Financial Secretary is saying.

MR SPEAKER:

All that the answer has been is that as far as either Government or Gibraltar Shiprepair Company is concerned, they are clear on one thing and that is that the flats or the accommodation is going to be rented on a three-year lease and nothing else.

HON J C PEREZ:

Mr Speaker, is it expected that these properties or some of them should be transferred to the Gibraltar Government once the three year lease runs out?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Honourable Member's question has indeed had a good deal of a discussion recently, Mr Speaker, anticipates the reply I propose to give to question No.40 on the Order Paper.

HON J E PILCHER:

Mr Speaker, I do not want to press the point but the Honourable the Financial Secretary has said they will pay rent but he does not know how much it is. Can he tell me whether they will pay rates at the rate of private properties or MOD properties? Can he tell me who is going to do the maintenance of the properties?



HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I cannot give you those details, amongst other reasons, of course the properties, up to 46 properties I have quoted, have not yet been rented been subject to any rental agreement, because the individuals who will be renting them are not yet all there. But as I have said earlier I think that in matters of detail of this nature it will be more appropriate to ask the company.

HON J E PILCHER:

Mr Speaker, the individuals are not all there, does it mean that there are some there.

MR SPEAKER:

May I suggest that the Opposition should ask a question exclusively seeking from the Financial and Development Secretary an undertaking that at a later meeting he will give full details. We are now speculating and nothing else.

HON J E PILCHER:

Very well, Mr Speaker, will the Honourable Financial and Development Secretary at a later date give us all the information that we are asking for?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The Financial and Development Secretary will pass on the request of the Honourable Member to GSL management and I am sure that GSL management will take steps to give the Honourable Member whatever information they think appropriate.

HON J BOSSANO:

Mr Speaker, is the Financial and Development Secretary then saying that the Government of Gibraltar does not accept that it has a responsibility to the Opposition and to the public to provide information.

MR SPEAKER:

We don't know who the properties are going to be given to and who is going to be responsible for repairs and maintenance. It is only then that you will be able to ask further questions, that is why I have suggested that the information to the extent to which the Government is responsible will be given to the House.

HON J BOSSANO:

But, Mr Speaker, the point of principle that I am trying to establish and I think it is important to establish it right at the onset, is whether in fact the Government's position is that they will pass a request for information on to the company and then it is up to the company, and the Honourable says he is confident that the company will not be rude, but is it up to the company in their sole discretion to decide whether they give information or they do not.

MR SPEAKER:

My answer to that one and it must be as a ruling is that the fact that we are having this discussion now springs from the coincidental position of the Financial and Development Secretary being the Financial and Development Secretary and answerable to this House and at one and the same time also being the Chairman of the Gibraltar Shiprepair Limited. When that is done away with I most certainly will rule in this House, that any matter which concerns exclusively the running of Gibraltar Shiprepair Limited and for which they are responsible, most certainly the Government will not be answerable in this House. To the extent that I have allowed questions on non-defined domestic matters, if there were any particular question as to will Government inform itself or has Government any information, questions will be most certainly acceptable but not beyond that.

HON J BOSSANO:

Mr Speaker, it is a question of interpretation as to what is the question of day to day running.

MR SPEAKER:

It is not a question of day to day running; it is a question of Ministerial responsibility.

HON J BOSSANO:

Does the situation then that this House has voted money for the share capital of the company not mean that this House has got a right to question what is happening to the money it has voted?

HON CHIEF MINISTER:

I am trying to be helpful. Hopefully, when the preliminaries are got over, I hope to be able to make a comprehensive statement of what the Government will in future be prepared to answer and what the Government will decide, for guidance of Honourable Members they will not answer. In which case, of course, they can still ask the questions and whether they are ruled out of order or not is another matter. We are in a rather difficult situation but I think it is fair that I should say that we should say as a Government what we think we are responsible for. It is very difficult to say that until we get the agreement signed. We want to exercise control, too, to the extent that it is consistent with allowing them to run the Dockyard efficiently.

MR SPEAKER:

Next question.

26.6.84

NO. 35 OF 1984

ORAL

THE HON J E PILCHER

What is the present issued Share Capital of the Gibraltar Shiprepair Limited?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, the issued Share Capital of Gibraltar Shiprepair Limited is £1,000.

SUPPLEMENTARY TO QUESTION NO. 35 OF 1984

HON J E PILCHER:

Mr Speaker, can the Honourable the Financial Secretary explain to me how Gibraltar Shiprepair Limited is paying the wages of its employees.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think that it is paying the wages of its employees with money. It will be necessary to increase the share capital in due course and that will be done in the light of legal and financial advice as and when necessary.

HON J BOSSANO:

But, Mr Speaker, isn't it the case that we have here the Gibraltar Shiprepair Ordinance which established that any money out of the £28m would go into a special fund and, in fact, that that money would then be used to increase the share capital and that then the company would use the money from the shares it sold to the Government to pay the employees. Isn't that what we have provided in law and if it is not being done like that, can the Financial Secretary tell us how it is being done and who decided to do it differently?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, I could not possibly answer all those questions of the Honourable Member off the cuff, so to speak, Mr Speaker. I note though, from recollection that shares would be sold by the company to the Government but it is certainly not the sense of the legislation. The Bill certainly made provision for the sale at some future date of the Government's holdings in GSL but not in the terms that the Honourable Member has mentioned.

HON J E PILCHER:

Mr Speaker, the Gibraltar Shiprepair Ordinance was passed and a provision was made for a fund and the explanation that the Honourable the Financial Secretary gave at the time was how this money was going to be transferred by Her Majesty's Government to the Gibraltar Shiprepair Limited. How is the money being transferred if it is not being transferred through the fund into the share capital of the company?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I understand the Honourable Member's point, Mr Speaker. The fund referred to in the legislation, in the Gibraltar Shiprepair Ordinance, was a means whereby monies were not paid into the Consolidated Fund, that is to say it was a mechanical or counting routine so that the monies were not paid into the Consolidated Fund but could be used for Gibraltar Shiprepair Limited for the purposes of establishing a commercial dockyard. That was the purpose of the provision in the legislation.

HON J BOSSANO:

Mr Speaker, has the Government of Gibraltar received any money from the United Kingdom Government for the purpose of setting up Gibraltar Shiprepair Limited, yes or no?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker.

HON J BOSSANO:

And has the money received been placed in the Special Fund as provided for by Section 6(4) or 6(3) of the Gibraltar Shiprepair Limited Ordinance, 1983, yes or no?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, and also has been passed out of that into the account of Gibraltar Shiprepair Limited.

HON J BOSSANO:

How, Mr Speaker, when under Section 6(4) it says it shall be charged upon the Fund such money as the Financial and Development Secretary may authorise for the subscription or purchase by the Government of Gibraltar of shares in the company and for nothing else. Because in fact, I objected in the House at the time that this was too restrictive and the Government accepted that they ought to widen that Section to permit the Government itself to pay for direct construction work on the assets because the assets were not being transferred to the company, the assets were being transferred to the Government of Gibraltar and leased to the company and the Honourable and Learned Chief Minister said at the time that the Bill was being discussed that it had been a very

useful suggestion because they realised that the way it was being done they were limited exclusively to buying shares and nothing else. The law does not allow the Government to take money out of that Fund and give it to anybody.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I am sure that we are not doing anything which is contrary to the law, either the spirit or the letter of the Ordinance.

HON J BOSSANO:

Can I ask the Honourable the Financial and Development Secretary whether he can confirm that monies from the Shiprepair Limited Fund have been used for other than the purchase or subscription by the Government of Gibraltar of shares or the expenditure on assets belonging to the Government that are to be leased by the company. Has money been used for either of those two things which are the only things for which he has got authority to use the money?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry, I do not understand the purpose of the Honourable Member's question.

MR SPEAKER:

Well, the purpose is not explainable, with respect to the Honourable Financial and Development Secretary. You have been asked a question, you can answer or you cannot. The Hon Member has no need to justify the reason why he is asking the question.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, in that case I can only suggest that the point that the Honourable Member has raised, subject to my clarifying with him outside the House, besides what it is that he wishes to know, I will take up.....

HON J BOSSANO:

But, Mr Speaker, I think it is reasonable that the Honourable Financial and Development Secretary should require more notice when we are asking something that is unrelated to the original question, but the original question says; "What is the share capital of the Gibraltar Shiprepair Limited?" The share capital of the Gibraltar Shiprepair Limited was established by an Ordinance passed in this House in December. That Ordinance provides that that share capital should be increased by the Government subscribing for shares using money in the Fund and therefore it follows logically from the question about the size of that share capital we are asking the Government whether they have used money from the Special Fund to subscribe for extra

shares and if not, and the answer clearly is not, because the share capital is still £1,000, have they used money from that Fund for anything else, yes or no? Surely, the Financial Secretary who is the Controlling Officer of that Fund, it is on his authority that money is used, he must know whether money has been used from the Fund or not.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, the arrangements for the funding of GSL operations are certainly complex because we simultaneously have arrangements with the ODA whereby they provide money in accordance with an itemisation of the £28m which has been agreed between the two Governments and, secondly, we have a private company which is set up with the share capital, the present issued share capital of £1,000, which will in due course be increased. The point which the Honourable Member has raised because I think there is a certain disparity, if I may say, in arithmetical terms between the amount of money which is going to be spent on refurbishing the Dockyard and paying the employees of GSL, and the issued share capital, is one on which we are taking legal and financial advice, I am speaking now, of course, in my capacity as Chairman of GSL, as to the appropriate means and time at which we should increase that share capital.

HON J BOSSANO:

I appreciate that, Mr Speaker, I am not asking the Honourable Member to give me an answer as the Chairman of GSL, I am asking him to give me an answer as Financial and Development Secretary because we passed an Ordinance in this House which binds him because he is the man who authorises the use of the money from the Special Fund. The law puts the responsibility on him, it mentions him specifically. Sub-section 4 of Section 6 says "As the Financial Secretary may authorise", I am asking him has he authorised expenditure from the Gibraltar Shiprepair Limited Fund, yes or no?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker.

HON J BOSSANO:

And therefore, I am now asking him, has he authorised expenditure from that Fund for anything other than the subscription of shares or the expenditure of assets that belong to the Government, not to the company, to the Government as provided for by the Ordinance and if he has authorised expenditure for anything else, under what authority?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think I need time to consider the provisions of the Ordinance in greater detail before replying to the Honourable Leader of the Opposition's learned question.

26.6.84

NO. 36 OF 1984

ORAL

THE HON J E PILCHER

How many RFA's are programmed to be repaired by the Gibraltar Shiprepair Limited in 1985?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, discussions with the Ministry of Defence on this question are currently taking place.

SUPPLEMENTARY TO QUESTION NO. 36 OF 1984

HON J E PILCHER:

Mr Speaker, is this not part of the agreement signed between the Gibraltar Government and the United Kingdom Government, as highlighted by Baroness Young and the £14m of further aid which she mentioned?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, Mr Speaker, it is true. The Honourable Member if he had had the privilege of listening to the now Honourable Leader of the Opposition's questions in the House in December would have seen that we had a full discussion on this and certainly £14m of RFA work has been guaranteed by Her Majesty's Government.

HON J E PILCHER:

Is the Government not aware, Mr Speaker, that the MOD normally have a programme of work which is 12 months ahead and can tell where a ship is to be refitted six months or nine months from the date in advance?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am aware but in this particular case, Mr Speaker, it is not wearing my Financial and Development hat nor even my Chairman of Gibraltar Shiprepair hat, but my former hat as a person who worked in the UK Treasury, so I do understand that the MOD have forward programmes but the precise timing of them is, of course, a matter for ongoing discussions.

HON J BOSSANO:

Mr Speaker, can I ask the Financial Secretary, does the implication of his answer suggests a change from the number of ships that were programmed in the proposals? He is saying the matter is still under discussion, is it not the case.....

MR SPEAKER:

What the Financial and Development Secretary has said is that the number of ships which will be tackled during the year 1985 is not yet agreed.

HON J BOSSANO:

Well, then, can I ask the Financial and Development Secretary whether he can confirm that in fact the proposals that were accepted for the Dockyard's commercialisation by Messrs Appledore provided for a number of ships to be done in the first year?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I don't think I could confirm the precise number of ships, Mr Speaker, that is not my recollection. My recollection is the £14m at July, 1983, prices.

HON J BOSSANO:

Mr Speaker, will the Honourable Member then check his report of the Appledore proposals where he will find that there are a number of RFA's scheduled for work in the first year and then perhaps he can come back and tell us whether he is still keeping to that target or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I am sorry, I must decline the Honourable Member's invitation.

HON J BOSSANO:

Doesn't the Honourable Member agree that if there is a proposed commercialisation taking place now and being implemented, if there is a departure from the number of RFA's programmed for the first year, he ought to come and tell the House?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, Mr Speaker, I think that especially in the light of the most recent reference provided to Baroness Young, if there were any doubt about the £14m.....

MR SPEAKER:

I do not want to widen the scope of the question, I think the scope of the question is a clear one.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot give precise information as to the number of ships or the amount which will be spent.



HON J BOSSANO:

Mr Speaker, we are not asking about the amount to be spent because we recognise that the Honourable the Financial Secretary is not able to say how much will be spent until the thing is working and we know how much is being charged, but there was a commitment in the original proposals that X number of RFA's would be provided in the first year of operation. Has there been any change in that commitment?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

The discussions are still taking place, Mr Speaker. I cannot add any more to that.

MR SPEAKER:

We are not going to get any further on this one.

HON J BOSSANO:

But, Mr Speaker, is the Honourable Member saying that there are discussions taking place about something that was made available to the Opposition a year ago as something that had been agreed, the number of RFA's had been agreed.

MR SPEAKER:

The Financial and Development Secretary says that the workload for 1985 is being discussed and that the answer cannot be given because you have asked for a precise number of ships for 1985. That is the impression I get and I stand to be corrected.

HON J BOSSANO:

Mr Speaker, my reaction to that is, how does the Financial and Development Secretary explain the fact that today, when we are only five months away from work starting on the first ship on the 1st January 1985, he does not know how many ships are going to be provided because there are still discussions when in fact in 1983 there was already in a Report presented to this House a number of ships being given as the number that would be provided in the first year of operation. The number we are asking for now should be the same as it was last year unless there has been a change, so if there are discussions is it the case then that the number of RFA's that have been made available is now again under discussion, it is being reopened, the question has been reopened, is that the case?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I am sorry, I cannot assent to the interpretation which the Honourable Member has put on it. A lot of things have happened since the early part of 1983. We have had a general election and there have been other changes and the original programme for the Dockyard was subject to, shall we say, some interruption.

One must expect that budgets and forecasts, especially when they are refined to the extent of identifying individual numbers, would be subject to some change. What is not being subject to any change is the £14m at July 1983 prices.

HON J BOSSANO:

So then, in fact, we have got an answer now Mr Speaker. The situation is that the six RFA's committed for the first year of operation of the commercial dockyard is no longer there, it could be subject to change and it is now under discussion whereas before it was a clear commitment. We are still talking about the time scale. Surely, the Financial and Development Secretary will admit to me that the proposals of Appledore have only been altered by twelve months, that is, that if they start working in July 1983, they start repairing in January 1984, and logically if they start working in July 1984, they start repairing in January, 1985, that changes nothing, so the situation now is that the commitment included in the proposals of six RFA's in year 1 is no longer there.

MR SPEAKER:

Next question.

NO. 37 OF 1984

ORAL

THE HON J E PILCHER

What will be the annual salary of Mr Brian Abbott as General Manager of the Gibraltar Shiprepair Limited?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, Mr Abbott's remuneration is at present met from the money ODA are paying A & P Appledore under the Consultancy Agreement. His future remuneration will be for the Board of GSL to decide.

SUPPLEMENTARY TO QUESTION NO. 37 OF 1984

HON J BOSSANO:

Does the Government of Gibraltar have any views as a matter of Government policy about the salaries that should be paid to top management in companies of which they are 100% owners?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is quite a wider question Mr Speaker, and I would feel that the Government, if the question were put to it, would need some time to consider.

HON J BOSSANO:

Mr Speaker, I am not asking the Government to tell me what its policy is, I have asked the Government whether they have a policy. How can the Honourable the Financial and Development Secretary need time to consider whether he has a policy or he has not got a policy, has he got one or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Is the Honourable Member referring to Directors of firms such as GSL or are we talking about public salaries, generally.

HON J BOSSANO:

It is very clear, I have been very specific. I will repeat the question for the benefit of the Honourable Member. I have said: "Does the Government of Gibraltar have a policy regarding the salaries that should be paid to Senior Management in companies of which they are 100% owners, yes or no?"

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well, I think I can answer that in general terms, Mr Speaker. The Government's policy would be that the remuneration should be sufficient to attract the right individual.....

MR SPEAKER:

No, with respect, you are not being asked that. You are being asked would Government have a say in influencing salaries.

HON J BOSSANO:

No, Mr Speaker, I am deliberately phrasing the question in a way that it could not be inferred that I am asking the Government for anything that has to do with the day to day running of the company and therefore I am asking the Government whether they have a policy that in the companies of which they are the owners, whether they have a policy as to what should be the salaries paid to the top managers in those companies?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I can only begin once again, Mr Speaker, with the speech which you so courteously interrupted me when I was half way through and that is that I think the Government's policy must be to see that the remuneration of such individuals is adequate for recruitment and retention but not excessive, that is, one need not pay more than the market rate for the job. I think that is a very sensible policy.

HON J BOSSANO:

I see, Mr Speaker, and in fact is it not the case that in respect of Government employees the Government of Gibraltar is committed to a policy of paying parity with UK which need not necessarily be the market rate for the job? It is adopting one policy then in the companies of which it is an owner and a different policy in its capacity as an employer, is that the case?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, I do not think it is, Mr Speaker. The Honourable Member has invited me and here I could speak for hours on the question of the differentials between salaries in the public or official sector and in the private sector. I think the Honourable Member's views of my views on this are known, that I find the differential of 30% lead for the official sector over the private sector a serious one, one with serious consequences for the Gibraltar economy.

HON J BOSSANO:

So the Honourable Member is then saying that on the basis of that view that he holds, he thinks that as a matter of policy employees in the private sector and by implication employees in those private companies of which the Government is the owner, ought to be paid more so that gap between their wages and those of the Government is closed.

MR SPEAKER:

If I may.....

HON FINANCIAL AND DEVELOPMENT SECRETARY:

No, that is not. Mr Speaker, I beg you not to cut me short.....

MR SPEAKER:

I want to make myself very clear. I have not cut you short but I will as often as I feel I ought to and I will not stand any nonsense in that respect. I want to make myself completely and utterly clear on that one. I will cut any Member when I feel I should do so. You may now continue.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I do not think the Honourable Member is entitled to draw the inference from what I said that those in the private sector should be paid more than the public sector. I said that the differential, the 30% lead for those in the official sector over the private sector was one which I thought had serious consequences for the health of the Gibraltar economy.

HON J BOSSANO:

Mr Speaker, isn't the Honourable Member saying if he thinks the differential has serious consequences, that he thinks that the differential should not exist. He favours the elimination of the differential.

MR SPEAKER:

Yes, but we are now entering into a debate and that is what I was trying to say to the Honourable the Financial and Development Secretary.

HON J BOSSANO:

Could I ask the Honourable Financial and Development Secretary then whether he will be in a position to inform the House of what the salary of the General Manager of Gibraltar Shiprepair Limited is when that salary is paid from the funds of the Shiprepair Limited and not from ODA?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I think in a matter of salaries the Board will want to do whatever is in accordance with good company practice and certainly in the interests of Gibraltar, generally. I would think that the remuneration of Senior Salaried Employees is something which certainly under UK company law is revealed in Annual Reports and Accounts and I would think that Gibraltar Shiprepair Limited would want to follow suit. Certainly Directors fees will be made known and I would just like to say, en passant, that the present Chairman is not, in fact, getting a fee.

26.6.84

NO. 38 OF 1984

ORAL

THE HON J E PILCHER

Can Government confirm that all the electricity requirements of the Gibraltar Shiprepair Limited will be supplied by the Inter-service Generating Station?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, this is the intention, at any rate for the first 2 years of the Company's operations.

SUPPLEMENTARY TO QUESTION NO. 38 OF 1984

HON J E PILCHER:

How much is the MOD asking for the service? Is it the same rate as the MOD charge their users or is it at a different rate?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think there is a differential, Mr Speaker, at present.

HON J C PEREZ:

Mr Speaker, has the Gibraltar Government got the capacity to be able to supply the requirements of Gibraltar Shiprepair Limited with our own Generating Station?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If I may answer the Honourable Member's question slightly at a tangent. As far as the future is concerned, and I am not giving a specific guarantee or commitment at this stage, but merely saying there is a possibility electricity will, we hope, be provided by the Municipal Service assuming enhanced capacity of the Waterport Station, at a future date. This is the expectation.

HON J C PEREZ:

In fact the Hon Member is saying that at the moment we have not got the capacity to be able to supply the Gibraltar Shiprepair Limited?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I have said that, yes, that is correct, Sir.

HON J E PILCHER:

The Hon Financial and Development Secretary said there is a differential, which way? More expensive or cheaper?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am sorry Mr Speaker, I have to check on that. Could I possibly give the Hon Member the information subsequently.

THE HON J E PILCHER

Can Government confirm that Gibraltar Shiprepair Limited is importing its office furniture direct from the UK?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Again, Mr Speaker, I do feel this is not a matter for the Government but for Gibraltar Shiprepair Limited, how it imports its office furniture. I would merely say that the Company's policy is, wherever possible, to choose the most cost effective option unless there are other considerations which are so important as to over-ride this criteria.

SUPPLEMENTARY TO QUESTION NO.39 OF 1984

HON J BOSSANO:

Mr Speaker, is the Government's policy consonant with the Company's policy, that is, does the Government believe that it is a good thing that we should all in Gibraltar go and buy things where they are cheaper because it is the most cost effective thing to do?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot really speak for all my colleagues on the Government bench because they have different areas of responsibility but I am sure it will come as no surprise to the Honourable Member if I say, wearing my Financial and Development Secretary hat, that naturally one wants the most cost effective option chosen, from a Treasury point of view.

HON J BOSSANO:

Does that include ordinary consumers wanting to go across the frontier, Mr Speaker, or are they excluded from the process? And could I ask the Financial and Development Secretary whether, in fact, direct imports require a trading licence of any sort? Does the company that has got a licence for shiprepairing, does it have the facility? This is something that other people can do, is it, anybody can buy whatever they like in UK.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think you can buy for yourself, Mr Speaker, but the distinction is between importing for personal use and trading.

HON J C PEREZ:

Mr Speaker, why is it that the requirements for furniture did not go out to tender so that local firms might have been able to tender at cheaper prices than the normal sale price because of the volume of the furniture it is intended to buy?



HON FINANCIAL AND DEVELOPMENT SECRETARY:

I would imagine, Mr Speaker, that before the Managing Director of GSL decided to import furniture or indeed any other item, he would have the commercial prudence to see whether he could purchase the item or items locally in Gibraltar at a cheaper price.

HON J C PEREZ:

Mr Speaker, if a tender comes out for the supply of furniture there is something concrete and some proof on the part of the company that that has been done but at the moment there is no proof at all that the company has done that. For all we know the company has gone to UK because it has suited them or because they like the colour of the furniture that they are buying in the UK.

HON. FINANCIAL AND DEVELOPMENT SECRETARY:

I would certainly have something to say as Chairman and also as Financial and Development Secretary if the Company were to adopt such an irresponsible approach to a commercial matter as suggested by the Honourable Member, Mr Speaker.

HON J E PILCHER:

Mr Speaker, the furniture sold locally has to pay duty, obviously, and the furniture brought in by Appledore is duty free because of this ODA. What chance have local shops to sell all this furniture to Appledore and to get part of the £28m expenditure staying in the local economy?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I can only repeat, Mr Speaker, that it is the responsibility of the Company to purchase at the cheapest possible price. The primary responsibility of Gibraltar Shiprepair Limited is to operate a commercial yard, to husband its working capital and to run its operations efficiently. It is a secondary responsibility for Gibraltar Shiprepair Limited, an important aspect of the undertaking is the spin off in terms of employment and the boost to the Gibraltar economy. I do not see the proposition which the Honourable Member has just outlined as being necessarily compatible with those primary objectives.

HON J BOSSANO:

Isn't this an example of where there is no spin off. In fact, if the furniture which could have been bought here is being brought direct from United Kingdom and can in fact the Honourable Member confirm the point made by my colleague that this furniture will not pay import duty.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is my understanding, Mr Speaker. I could confirm it subsequently.

HON J BOSSANO:

But that the furniture that the company would have bought here would have been one that had paid duty already?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I shall need to look into this particular question, Sir. I will write to the Honourable Member about it.

HON J BOSSANO:

Am I right in thinking that if Appledore tomorrow goes out and buys something from a shop, that article has paid duty on importation and therefore the price will include the duty. Appledore, presumably, doesn't then go and send off for a rebate, does it?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

That is my understanding, certainly, Mr Speaker, but I think I would like to check before confirming this.

MR SPEAKER:

Next question.

THE HON J E PILCHER

What is the policy of the Government regarding the accommodation that has been made available to the Gibraltar Shiprepair Limited by the MOD?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, a short while ago we had a very lengthy discussion on this when I referred the Honourable Member to the letter which the Honourable Chief Minister sent him recently. I think the only further comment I would like to make on this point on the question of policy, is that the Chief Minister said in his reply to the Honourable Member that as and when expatriate personnel were replaced by locally recruited managers we would ask that these quarters released by MOD should be allocated to the latter instead of being returned to the MOD. The Chief Minister has made that clear and I think that is how I would answer the question as to policy.

HON J BOSSANO:

Does that mean, Mr Speaker, that the Gibraltar Government believes that the properties should be permanently allocated to the Gibraltar Shiprepair Limited?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Well, permanently is a long time, Mr Speaker, and in the long run we are all dead but for the foreseeable future, yes, I think that would be the expectation. It was not a firm commitment, I must emphasize that, that is the Chief Minister's expression of an aim.

HON J C PEREZ:

Mr Speaker, is the Gibraltar Government expecting that the Ministry of Defence will comply with this and are they expecting that the properties will be transferred to the Gibraltar Government once the Gibraltar Shiprepair Limited has finished the lease over the properties?

HON CHIEF MINISTER:

We hope we can do that. With regard to the earlier question by the Honourable Mr Pilcher as to the timing, if, in fact, as we think, Members there don't share this view, Gibraltar Shiprepair will require management for a long time, and this management is altered to locally recruited people, it will be required for as long as that is necessary.

HON J C PEREZ:

Mr Speaker, does the fact that the Ministry of Defence has allocated these properties to the Gibraltar Shiprepair Limited not demonstrate that they no longer need them and if so why has the Government not tried to get them to be released to the Gibraltar Government and whilst the Gibraltar Shiprepair Limited is occupying them that rent should be paid to the Gibraltar Government and not to the Ministry of Defence?

HON CHIEF MINISTER:

I wish things were as simple as the Honourable Member makes them. At the time of the negotiations, the burden was on the Ministry of Defence to do a number of things if we were going to be able to accept commercialisation. One of them was we did not want further to encroach on Gibraltar Government properties or private properties for the management and after long negotiations the Ministry of Defence agreed to release these quarters for three years. For that they have had to do a lot of adjustment and it will depend very much whether progress is made on plans they have for further quartering and other buildings that they have at the time when it comes whether they will require them or not. If they are not required by MOD, if they are not required for the purpose for which MOD have passed them over, then they have a duty to pass them over to the Gibraltar Government. But one thing is releasing something on a special agreement and the other one is saying that you do not need it forever.

HON J E PILCHER:

Mr Speaker, with all due respect, that is not the answer that the Honourable the Financial Secretary gave me. He says that for the foreseeable future these properties will be allocated to the GSL. The Chief Minister is saying that if they are no longer needed for the MOD then they would be transferred to the Gibraltar Government.

HON CHIEF MINISTER:

No, I think you have got it wrong. I was trying to answer Mr Juan Carlos Perez about eventually and then eventually depends very much when it comes and what other quarters have been provided. You all have the example of the struggle we have had about the reprovisioning of the quarters for the car park and the efforts we have had to make and the difficulties we have had. Forty four quarters have been a real effort and in fact they have been provided and that is so much the better and in fact they have been provided and that is so much the better but what will happen when they are no longer required either for GSL or for MOD, then the answer is it has to come over to us.

HON J BOSSANO:

But, Mr Speaker, surely there is a conflict in what the Chief Minister is saying and what the Financial and Development Secretary has said because if the Financial and Development Secretary is saying that the policy of the Government of Gibraltar is that the 46 properties should continue to be occupied by managers of the Shiprepair Company when those posts are localised, then presumably it can only be because the MOD accepts at the end of the three years that they do not need the properties back. If the MOD accept at the end of the three years that they do not need the properties back then the Chief Minister says automatically it passes to the Government of Gibraltar.

HON CHIEF MINISTER:

I think sometimes, Mr Speaker, I ought to tell myself that I should know better than to try and help the House by explaining the matter and then getting a crossfire from different angles. I was answering the question raised by Mr Juan Carlos Perez about the question of the ultimate responsibility and that has now been crossed with how long is it going to be for GSL. Certainly, for as long as it is required for GSL beyond the three years, we hope that if it is localised they will be occupied and that is all I am saying. I am safeguarding because if I do not say that and if I do not say what I tell Juan Carlos Perez, either he or el Tio del Capote or whatever it is will come out saying that the houses are going to go to somebody else, so if you are helpful and trying to explain, then you get everything distorted. I do not read El Tio del Capote but I am told what it says.

HON J BOSSANO:

Can I ask the Honourable and Learned Chief Minister that if the MOD, after three years.....

MR SPEAKER:

No, that is hypothetical.

HON J E PILCHER:

But, surely, if the MOD do not need it after the contract has run, the three-year contract, surely then the property is surplus to MOD requirements and it should come back to the Gibraltar Government and not as the Honourable the Financial Secretary has said, the policy is that expatriate personnel are replaced by locally recruited, then the properties should go to the locally recruited.

HON CHIEF MINISTER:

What we are saying and what the Financial Secretary has said, is that if the MOD are able to release properties for management of the Dockyard for expatriates, they should equally have them available for local people who occupy those posts. That is a matter of principle. It could well be that some of these posts are localised before the three years. What the position will be at the end of the three years, of course, will depend very much

on the requirements of GSL and on the requirements of the MOD. Then looking longer and longer then of course what will happen is that if they do not need it eventually it will come to us.

HON J BOSSANO:

Mr Speaker, can I just ask the Honourable and Learned the Chief Minister. Would he not agree with me that it is possible for the Government of Gibraltar to adopt one or two policies now straightaway as a matter of policy and that is either to say to the MOD; "We want those properties available for Gibraltar managers either before the three years, if some of the 46 are replaced before the three years, or at the end of the three years, if at the end of the three years the 46 are replaced". That is one policy which is apparently the stand adopted by the Government but it is possible as an alternative policy to say to the MOD; "What we want at the end of the three years is that the 46 properties should be transferred to the Government of Gibraltar and then the Government of Gibraltar in three years time will decide whether it is in the best interests of the community that they should be made available for managers of GSL or for anything else".

HON CHIEF MINISTER:

It is a good question but the answer is not what the Honourable Member wants. The answer is that they do not say that they do not require them at the end of three years, they have lent them for three years and they say they will still require them and I say it will very much depend whether they require them at the end of three years or now. That is why no valued judgement can be made now as to the future. They have come out and it has not been an easy matter and there has been a considerable amount of coming and going in certain areas of the MOD administration about whether they should be released or not. We have had them released for this purpose, it is helping us but it is on the basis of a loan exceptionally to help the management get quarters and that is all. At the end of that period it will very much depend what happens.

MR SPEAKER:

With respect, this is question time, we are not discussing policy, we are trying to seek information. If the matter is important enough we can debate it but not now.

HON J E PILCHER:

The question Mr Speaker, is what is the policy of the Gibraltar Government regarding the accommodation. I would like to have a simple yes or no. The policy as stated by the Honourable the Chief Minister in his letter to me was that when expatriate personnel are replaced by locally recruited personnel, we would ask that these quarters be allocated to the latter. Is that the

policy of the Gibraltar Government or is it that they should be returned to the Gibraltar Government for the use of the community as a whole, that is what I am asking?

HON CHIEF MINISTER:

At this stage it is the policy of the Gibraltar Government that if there is a change and transfer, as Appledore has promised, on recruiting more local people, our policy is that the managers of GSL who are from Gibraltar should occupy those quarters.

HON J BOSSANO:

Could I ask the Honourable and Learned the Chief Minister, doesn't he consider that that policy that he has just enunciated means that if local permanent staff moves into all those quarters and they are eventually passed to the Gibraltar Government, they will be passed with sitting tenants, there is nothing he can do about it then. How can he then say that he agrees to the alternative policy that the properties should be released to the Government of Gibraltar and the Government of Gibraltar should be free to decide what they are going to do with them if he had already said that he will be pressing before they are passed on to him for local employees of the Company who will be permanent employees and not contract workers to occupy all those properties. Surely, he will agree with me that he will inherit them if he is successful in what he wants to do which I know is not acceptable to the MOD but if he succeeds in pursuing that, doesn't he agree that that will follow then that when the Government of Gibraltar eventually get the properties they will have sitting tenants and they will not be able to do anything with it.

HON CHIEF MINISTER:

Yes, and in some respects though I do not want to associate one thing with the other, that is very much the case with Government quarters.

HON J BOSSANO:

Yes, and so what?

HON CHIEF MINISTER:

But we have them.

MR SPEAKER:

We will leave it there. Next question.

26.6.84

NO. 41 OF 1984

ORAL

THE HON J L BALDACHINO

Will Government keep a record of the applicants for tax relief in respect of the down payment for home ownership introduced this year so that the scheme can be monitored for effectiveness?

ANSWER

THE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Yes, Mr Speaker, we will.

SUPPLEMENTARY TO QUESTION NO.41 OF 1984

HON J L BALDACHINO:

Mr Speaker, will Government keep this side of the House informed of the progress?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

We will certainly keep the House informed of the numbers, Mr Speaker.



THE HON M A FEETHAM

Can Government confirm that goods exported from Gibraltar to another EEC country are subject to VAT on entry and the Common External Tariff?

ANSWERTHE HON THE FINANCIAL AND DEVELOPMENT SECRETARY

Mr Speaker, Gibraltar does not form part of the customs territory of the EEC. As a territory for whose external relations Britain is responsible, Gibraltar is entitled to benefit from the community's Generalised System of Preferences. A Generalised System of Preferences covers a wide spectrum of processed agricultural products, manufactured and semi-manufactured goods. As far as VAT is concerned, that is essentially a point of sale tax and is applied irrespective of the country of origin of the goods.

SUPPLEMENTARY TO QUESTION NO. 42 OF 1984

HON M A FEETHAM:

Mr Speaker, am I correct in stating, therefore, that goods that are exported, for example, from France to the UK and vice versa are not subject.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

My understanding is that they are not, Mr Speaker.

HON M A FEETHAM:

And this would obviously be the case again, for example, when Spain joins the EEC as regards importation to the UK?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Again the details of the negotiations on Spanish entry are not within my responsibility, Mr Speaker.

HON M A FEETHAM:

Mr Speaker, could I phrase it another way. Would the goods exported from Spain, for example, to Gibraltar be subject to our own duty arrangements and similarly goods imported to the UK would be subject to whatever the arrangements are, in the negotiations?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, goods exported from Spain into Gibraltar will be subject to whatever arrangements Gibraltar had. Yes.

HON M A FEETHAM:

Could the Honourable Member, please explain or clarify a recent statement by Her Majesty's Government to the effect that there is an annexe to the external affairs chapter which states: "That trade would be normalised between Spain and the EEC and between Spain and Gibraltar on the same basis subject to any permitted derogation".

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I do not think I can comment on that, Mr Speaker.

MR SPEAKER:

No, you are not here to confirm or deny any statement made by another authority.

HON M A FEETHAM:

Can I ask a further clarification with regard to EEC purchases, Mr Speaker. Mr Taylor, who is a Member of the European Parliament, visited Gibraltar recently and said that once Spain was in the EEC, visitors to Gibraltar would have to be allowed to take back goods of up to £168 per day.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I am not an expert on this, I do not recall exactly but I think he must have been mistaken on that.

HON M A FEETHAM:

Can the Member please say whether he has actually sought clarification on a rather important statement from a Member of the European Parliament and whether he will make a statement regarding this at a later stage.

HON CHIEF MINISTER:

We have sought clarification on this from the Foreign and Commonwealth Office and I will say that Mr Taylor was stating that on the wrong assumption, that the special provision under which we are in did not apply. I can give the Honourable Member a clarification letter, we have looked into that. I am afraid that he was talking a little off the cuff and without sufficient background knowledge.

HON J BOSSANO:

Wouldn't the Honourable and Learned Chief Minister agree with me that if we have a public statement made by somebody that one assumes is fairly expert on the subject, that it needs to be publicly corrected because otherwise, for example, a lot of people in the private sector may be preparing for the day when we are going to get a rush of purchasers taking £168 of goods and that day will not materialise. The original statement by Mr Taylor was given considerable publicity, would the Honourable Member not agree.

HON CHIEF MINISTER:

In fact, I was waiting for the results of the European Elections to see whether he got back again to be able to write to him and ask him to confirm to me that he was talking on the wrong assumption. As soon as I get confirmation, I don't think it is fair for me to make a statement now contradicting, I will make a proper statement.

HON J BOSSANO:

Mr Speaker, the Honourable Financial and Development Secretary must be in fact concerned that the normalisation of the frontier will have implications for the finances of the Government and.....

MR SPEAKER:

That is opening a much wider field.

HON J BOSSANO:

What I am coming to, Mr Speaker, is that against that background, because if you will forgive me for saying so, the reason why I am saying that, Mr Speaker is because in answer to a previous question he said he was not responsible for the statements of other Governments.

MR SPEAKER:

Because he was asked to confirm the correctness of a statement made by an external authority.

HON J BOSSANO:

The point that I am making is that whether he cannot answer or make himself responsible for the statement of other authorities, if that authority is a statement in the House of Commons and if he is the Financial and Development Secretary of Gibraltar and if that statement appears to have serious implications for trade in Gibraltar and for Government revenue, does he not then consider in the background of all the points that I have made that the implications of the statement about normalising trade between Gibraltar and Spain appear to be, in principle, in contradiction with the reality of our present relationship with the EEC where we are treated as part of the external world for trade purposes, that is, goods with Gibraltar origin are no different from an EEC point of view from goods with a Hong Kong origin, am I correct or not?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I couldn't answer that because I do not know enough about the Hong Kong situation.

HON J BOSSANO:

Mr Speaker, then how can the Financial and Development Secretary look to a situation on normalising the frontier as a possible way out of the present economic crisis if he doesn't know what the effects are?

MR SPEAKER:

With respect to the Hon the Leader of the Opposition, we are now expanding the orbit of the question. We are not going to discuss all the consequences of the normalisation of the frontier under the guise of a question on the liability to VAT on goods exported from Gibraltar.

THE HON M A FEETHAM

Mr Speaker, can Government make a statement clarifying what are the legal rights of civilians as regards access to Western Beach?

ANSWERTHE HON THE ATTORNEY GENERAL

Mr Speaker, Western Beach is not Prohibited Crown Land within the Prohibited Crown Lands Notice and consequently it is not a criminal offence to enter upon Western Beach. The land surrounding Western Beach is Prohibited Crown Land and consequently ordinary members of the public have no access to Western Beach by land. In order to gain access to Western Beach, of course, access has to be from the sea. Access to Western Beach and to all other beaches in Gibraltar, Mr Speaker, in a mechanically propelled pleasure boat is subject to restrictions contained in the Seaside Pleasure Boats Rules, 1981.

SUPPLEMENTARY TO QUESTION NO. 43 OF 1984

HON M A FEETHAM:

Having therefore clarified quite clearly the position of civilians as regards access to Western Beach from the sea, has Government made any representations to point out to the RAF that the barrier that they are constructing which prevents effectively civilians from approaching Western Beach by sea is, in fact, against the law?

HON ATTORNEY-GENERAL:

Mr Speaker, representations have been made to the RAF and I understand that there has been a rather helpful discussion between the RAF authorities and representatives of the civilian people involved, I believe it is the Montague Boat Owners Association. I don't know what the outcome of these discussions have been but apparently they have got some sort of accommodation. I think the RAF are fully aware of the position of this fence that has been built on the landward barge and, as I say, helpful discussions have taken place.

HON M A FEETHAM:

Does Government accept that in a case of fencing in or out of people by a third party which has no right to do so there is no question of discussion or otherwise, the question is that they should not be doing it and it should be removed forthwith.

HON ATTORNEY-GENERAL:

I don't think that is really so Mr Speaker, if people want to build a fence they can build a fence and if they are given property on which to build a fence they can do it. It is on a barge, on the landward barge, it is not going into the sea. It is an extension of a fence that existed there and you have got this landward barge which is owned by a private company and there must have been some agreement between the RAF and the private company for this fence to be extended onto this barge.

HON M A FEETHAM:

Is it conducive to good relations between civilians and Ministry of Defence to allow that to happen and would it not be far more discreet to have made representations that that will not be conducive to good relations and could you give an assurance to the House that in fact it will be pointed out to the RAF personnel that to prevent anybody from approaching the beach by sea is in fact not their prerogative to do so and that people have got every right to do so providing that the person approaching the beach by the sea is not breaking the law, whatever the requirements are about pleasure boats etc.

HON ATTORNEY-GENERAL:

I think these representations have already been made by myself to the Air Commander.

HON M A FEETHAM:

Well, can you tell us what has been the reply?

HON ATTORNEY-GENERAL:

The Air Commander is fully aware of what the position is about the approach of boats from the sea. He has been given a copy of Seaside Pleasure Boat Rules and, indeed, we issued a press release sometime last week as to what the responsibilities were under those Rules. Insofar as the fence is concerned, I can express my personal views and probably the views of the Government to the Air Commander but if he wants to build this fence on the barge he is free to build his fence on the barge whatever we may think about it.

HON M A FEETHAM:

Under the terms, presumably, of the lease that Blands has with Government, there must be some arrangement between Blands and Government when they originally were able to obtain that area. Is there any clause there which states, for example, that Blands must seek permission from Government to allow a third party to build a fence to prevent people from access to an area which they are legally entitled to have access to.

HON ATTORNEY-GENERAL:

I don't know what the terms of the agreement with Blands and Government are but I should not imagine it has got a clause in to the effect that "thou shall not build a fence or allow anybody else to do so". I don't know the terms of the agreement.

HON M A FEETHAM:

Can the Member say whether the Government are in fact in agreement with this or not because I think it is a matter of public interest. We are not trying to create an anti-RAF situation, we just want to clarify so that at least the RAF know the feelings of both sides of the House on this matter.

HON ATTORNEY-GENERAL:

I think they are aware of our feelings as to this fence because it is this fence which is, of course, the problem and I don't think Government does approve of the building of this fence on this barge. But I cannot stop people. If the RAF want to build a fence on the barge they can build a fence whatever our feelings may be and our feelings, I think, are rather strong.

HON J BOSSANO:

Can I ask the Attorney-General to confirm, if I have understood him correctly, that in fact the beach itself is not Ministry of Defence property, only the camp adjoining the beach.

HON ATTORNEY-GENERAL:

The beach is not Ministry of Defence property within the Prohibited Crown Lands Notice. The actual Prohibited Crown Lands are the Airfield, the Tarmac, the Hangers and ancillary buildings. The prohibited area starts, if you go to the beach, there is a low wall and there are three notices, the usual Prohibited Crown Lands notices on the beach side relating to the Prohibited Crown Lands on the landward side of this low wall. The beach is not Prohibited Crown Land, it is not an offence to go on that beach.

HON J BOSSANO:

And therefore if natives somehow managed to park themselves on the beach irrespective of the fact that there is a fence, whatever means of approach they adopt provided it is from the seaward side, there is nothing the RAF can do to get them to leave, is that correct?

HON ATTORNEY-GENERAL:

Yes, there is nothing the RAF can do to get them to leave even if they break the Seaside Pleasure Boats Rules and approach. The police will certainly report them and they commit an offence under those Rules but their entry onto the beach is not illegal.

HON J BOSSANO:

If there was a flotilla of rowing boats, for example, arriving on the beach, the RAF have to learn to live with that.

HON CHIEF MINISTER:

Not unless it looked like an invasion.

HON ATTORNEY-GENERAL:

On that point, we must remember that the RAF do have security, it is an RAF base. The RAF are concerned not so much as to exclude the natives, as Mr Bossano puts it, but to make sure that other people, and I am not talking about non-Gibraltarians, but foreign people do not arrive on this beach.

MR SPEAKER:

Next question.



NO. 44 OF 1984

ORAL

THE HON J L BALDACHINO

Mr Speaker, can Government state when the new Landlord and Tenant Ordinance will be coming into effect?

ANSWERTHE HON THE CHIEF MINISTER

The first requisite is the appointment of a Rent Assessor and this has now been done.

There is a considerable amount of administrative work to be done before the Ordinance can come into operation.

On present information early Autumn is emerging as the likely date for implementation.

NO. 45 OF 1984

ORAL

THE HON J BOSSANO

Is Government now satisfied that the allegations made against an officer of the Customs Department in relation to certain incidents in Spain last December, are without foundation?

ANSWERTHE HON THE ATTORNEY-GENERAL

The allegation came from Spain and those making the allegation were unable to prove the involvement of the Customs Officer in any illegality.

When this information was received, Mr Speaker, the officer in question was allowed to resume his full duties in the Branch in which he was employed.

SUPPLEMENTARY TO QUESTION NO. 45 OF 1984

HON J BOSSANO:

And is the Government, if I can return to the question I put in the Order Paper, as a result now satisfied that the allegations against the officer are without foundation, or is it not satisfied?

HON ATTORNEY-GENERAL:

The authority making the allegation was unable to prove the allegation, therefore the furthest I would go is not proven.

HON J BOSSANO:

So the Government in a situation where it has reason to doubt the integrity of an officer in a key position, is prepared . . . . .

MR SPEAKER:

No, I do not think that has been even insinuated.

HON J BOSSANO:

Well, isn't it the case, Mr Speaker, that the Hon and Learned Attorney-General has said that there were allegations made, that the allegations have not been proven and that subsequent to their not being proven, he has been allowed to resume his duties, isn't that what the Hon Member has said?

MR SPEAKER:

Yes, that is correct.

HON J BOSSANO:

And, therefore, doesn't it follow that the Government removed him from his duties because of the original allegations and has allowed him to resume his duties even though it is not satisfied that they are without foundation?

MR SPEAKER:

Government have not insinuated that they were without or with foundation. They are saying that certain circumstances took place outside Gibraltar, Government have taken steps, those investigations have finished and now he has been reinstated.

HON J BOSSANO:

But, Mr Speaker, does the Government not realise that that is not sufficient from the point of view of the individual concerned who requires and who wants the Government to take whatever steps are necessary to satisfy themselves fully that there was no foundation in these allegations? It isn't enough to leave a question mark.

HON ATTORNEY-GENERAL:

If you make an allegation you have to prove it though it is difficult to prove. I am not saying and I cannot say, Mr Speaker, that the allegation was without foundation. All I am saying is that the allegation is not proven, Mr Speaker.

HON J BOSSANO:

Mr Speaker, isn't the Hon Attorney-General then concerned himself that he should take whatever steps are necessary not simply to establish that it is not proven but to establish that it isn't true? How can it be enough for him that it isn't proven?

HON ATTORNEY-GENERAL:

And the officer in question, perhaps, his legal representative must also try and clear his own client's name and try to show to the Government that the allegation has no foundation. I will go as far as what has been informed by the authorities - insufficient evidence to prove, not proven. If the officer in question wishes to prove that the charges were without foundation, let him try and produce the evidence to me and to the Government that those charges were without foundation because at the moment all I am prepared to do is to say that the charges were not proven.

HON J BOSSANO:

Mr Speaker, it is no reply for the Government to tell the Opposition that the officer himself ought to do something or not do something. The officer is not sitting on that side of the House. I am asking the Government and the position of the Government is that they are not prepared to do it. That is the answer.

MR SPEAKER:

Next question.

THE HON R MOR

Mr Speaker, can Government state why the sum of £20,200 is required under subhead 8, Head 3, for the current financial year?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Mr Speaker, the sum of £20,200 is the total approved 1984/85 Estimate of Expenditure under subhead 8 and is required for the provision of free refreshments to pupils in First and Handicapped Schools.

£10,000 is earmarked for the provision of milk to First School children. £10,200 is the cost of providing midday meals for the students attending St Martin's Special School and St Bernadette's Occupational Therapy Centre.

SUPPLEMENTARY TO QUESTION NO. 46 OF 1984

HON R MOR:

Mr Speaker, on the reallocation of the funds, £3,000 out of this subhead has been transferred to subhead 21 which is a contribution towards the extension of the dining-room facilities in St Martin's school. My question is, Mr Speaker, does it mean that when Mr Julio Pons wrote to the press expressing his delight that at long last his dream had come true, that it wasn't really that his dream had come true but that the Government was giving less milk to the handicapped?

HON G MASCARENHAS:

No, Mr Speaker, what occurred was that we had £3,000 left over from that vote and that was the money given to them last year.

HON J BOSSANO:

Mr Speaker, if they had £3,000 left over from the £18,700 what happened, is it that prices have gone up or are there more people involved or what?

HON G MASCARENHAS:

The estimate for the provision of First School milk is calculated using formula inclusive of the number of school days per academic year, the estimated number of children at the rate of one litre bottle of milk. On average about 50% of First School pupils consume the milk provided, therefore the estimate is based on known current consumption but there is no way we can tell at the end of the year whether they will consume the 50%. We could have a decrease of 45% consumed or even 35% and if we have more consumption than we have at present, we could find ourselves having to come for supplementaries.

HON J BOSSANO:

But in fact the amount voted is an increase on the amount voted last year out of which they removed £3,000 by a reallocation, is that the case or not?

HON G MASCARENHAS:

That was a saving, Mr Speaker.

HON J BOSSANO:

In fact, then, the final figure for 1983/84 eventually when it appears will show £15,000, am I correct?

HON G MASCARENHAS:

Yes, Mr Speaker.

HON J BOSSANO:

And therefore we are talking about an estimated cost in the current year which will be 33% higher than the actual cost in the last twelve months. Am I correct or not?

HON G MASCARENHAS:

If all the children take the milk as we are expecting they will, that is the answer.

HON J BOSSANO:

So the answer then was that last year there was less consumption than the Government thought there would be.

HON G MASCARENHAS:

Yes.

THE HON R MOR

Mr Speaker, can Government state when the Ministry of Defence will be handing over the Gibraltar and Dockyard Technical College and can they also say what price the MOD is asking for the building and equipment therein?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Mr Speaker, Government is not yet in a position to state the agreed value for the transfer of the Gibraltar and Dockyard Technical College.

The question of compensation for MOD surplus buildings is now regulated by the 1983 Lands Memorandum which provides the basis for valuation of buildings under 60 years.

It will be appreciated that although the Department has an interest in the transfer of the College, it is not directly involved in these negotiations.

SUPPLEMENTARY TO QUESTION NO. 47 OF 1984

HON R MOR:

Mr Speaker, does the Government agree that the matter of the release of the College by the MOD has now been going on for several years and needs to be solved as soon as possible?

HON G MASCARENHAS:

I am advised that both Gibraltar Government and MOD valuers have completed their respective calculations and these will now be considered by Council of Ministers.

HON R MOR:

Mr Speaker, will Government be taking over, I think it is about two MOD employees, who are office employees who are presently working at the MOD?

HON G MASCARENHAS:

I am afraid I do not know, it does not arise from this question.

HON J BOSSANO:

Mr Speaker, the Hon Member has, in fact, not answered the second part of the question about what is the price the MOD is asking. Is it that they are not asking for something or is it that he does not want to tell us or is it that he does not know?

HON G MASCARENHAS:

The valuation has got to be considered by Council.

HON J BOSSANO:

Yes, I know, but is in fact the MOD asking for a particular sum of money or is it not asking for a particular sum of money and therefore what we want to know is what they are asking?

HON G MASCARENHAS:

I am not in a position to give you that information yet.

HON J BOSSANO:

Is it that the Hon Member does not know or that he does not want to make it public?

HON G MASCARENHAS:

I do not want to make it public at this stage.

HON J BOSSANO:

Well, will the Hon Member let us know by writing to us?

HON G MASCARENHAS:

Of course I will.

THE HON MISS M I MONTEGRIFFO

Can Government state whether the £5,000 they intend to provide for GASA in the current financial year is their first contribution towards the structure of the swimming-pool, which is estimated to cost between £150,000-£200,000?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

Mr Speaker, the sum of £5,000 provided in this year's estimates is not the first contribution but a further contribution by Government towards the building of a swimming-pool.

SUPPLEMENTARY TO QUESTION NO. 48 OF 1984

HON MISS M I MONTEGRIFFO:

Well, Mr Speaker, since two elections ago the Government is committed to building the structure of the pool. This year their election manifesto reiterated that commitment. Is the Minister now saying that they intend to build a pool in thirty or forty year's time considering that they have given £5,000 to GASA in one financial year?

HON G MASCARENHAS:

Given the present economic climate, it is impossible for Government to commit funds for the construction of a swimming-pool but in the meantime and in keeping with our stated policy, we shall continue to assist GASA in every way we can. Government is fully aware of the great effort and hard work that GASA members themselves are putting in towards the building of the pool. We are also aware of our commitment to build the swimming-pool but we have to face the harsh economic realities of the day.

HON MISS M I MONTEGRIFFO:

Mr Speaker, how is it possible that GASA should get £5,000 out of the PWD Maintenance vote when £700,000 was voted in the House of Assembly for the maintenance of Government buildings? Is it not against the Public Finance (Control and Audit) Ordinance that money voted for one purpose should be used for another?

HON G MASCARENHAS:

Mr Speaker, I remember very correctly that at the Committee Stage of the Budget Session you asked that and an explanation was given to you.

HON MISS M I MONTEGRIFFO:

Mr Speaker, is it not against the Ordinance in question? Can the Minister say, for example, how the construction of a swimming-pool forms part of the maintenance of Government buildings?



HON G MASCARENHAS:

Mr Speaker, I remember you asked exactly the same thing and we gave the explanation. I had made an arrangement with the Public Works, no money had been voted this year because we felt we could not earmark any money but considering the commitment that we had in our 1980 and 1984 election manifestos we felt that some contribution had to be made this year and the only way that we could arrange it was to get it out of that Fund which is sub-head 2.

MR SPEAKER:

What you are being asked is whether it is contrary to the Public Finance (Control and Audit) Ordinance.

HON G MASCARENHAS:

I am not aware of that.

MR SPEAKER:

There has been a virement from the Public Works Department vote for the repairs and maintenance of properties to give a contribution of £5,000 to GASA for the building of this swimming-pool, not specifically for the building of a swimming-pool but for works that are being carried out in respect of the swimming-pool. Is that against the Public Finance (Control and Audit) Ordinance?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Normally virements between subheads are not contrary to the Finance Ordinance, Mr Speaker, normally, but there are certain circumstances, I think if it was a virement from personnel to non-personnel or vice versa it would be a different matter.

HON J BOSSANO:

Mr Speaker, as I understand it, in fact, there has not been a virement and if there had been a virement it would be from the Public Works Annually Recurrent Head to something else because we are talking about a subhead in the Head of Public Works. What we are saying is the subhead in question is maintenance of Government properties. Is it not the case that money from that sum allocated by this House can only be used for maintenance of Government properties and how is it possible for the Government within the constraints imposed on it by the Public Finance (Control and Audit) Ordinance to use part of that money for anything other than maintenance of Government properties?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I will have to have details which I regret that because my mind was on something else I did not quite grasp and I can only offer to look into it.

HON J BOSSANO:

Let me be clear, let me just make it clear what it is that we are asking the Government. We are talking about Head 20, subhead 2 - Maintenance of Offices and Buildings. The House has voted in the current 1984/85 Estimates that £700,000 should be spent by the Government in maintaining these offices and buildings other than Housing. We are told that out of that, £5,000 is to be made available to GASA to assist them in the building of a swimming-pool. We want to know whether this is contrary to the limitations put on Government expenditure by the Public Finance (Control and Audit) Ordinance or not?

MR SPEAKER:

We will leave it at that, next question.

HON J E PILCHER:

Mr Speaker, if I may on the same question, coming back to the actual question, not to the estimates. The Hon Minister for Sport and Education said that it is not the first contribution that they have made, am I correct? How much has been contributed by the Government towards the pool?

HON G MASCARENHAS:

Mr Speaker, what I understand by a contribution is not whether money is involved. What I mean by contribution is helping them to start off the swimming-pool in terms of throwing spoil into the area, etc.

HON J E PILCHER:

Taking into account the Minister's own words of the economic restraints I am trying to balance that up with their election manifesto. Can he give us more or less a rough guess as to when the swimming-pool will be ready?

MR SPEAKER:

No, next question.

HON MISS M I MONTEGRIFFO:

Can I ask one question relating to my original one? Can the Minister confirm whether the £5,000 is going to be given to GASA as cash or as value of materials?

HON G MASCARENHAS:

Mr Speaker, it will not be cash, we are supplying cement and any facilities that they require that we can recognise as being towards the construction of a swimming-pool. In other words, what I envisage is that eventually the pool will be finished. If next year the financial situation is better and we have money available

to construct the pool, we shall do so. This year it is impossible and rather than leave them without anything, I think the £5,000 contribution to do something is better than nothing.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

In the interests of providing information where it can be provided on the spot, Mr Speaker. Now that I have heard the Hon Leader of the Opposition's question, he has been kind enough to spell it out to me, I can say that virements between one subhead and another in the terms he suggested is quite normal provided they are approved by Ministers.

HON J BOSSANO:

I welcome that answer because it shows that the Hon Financial and Development Secretary has not understood what I have said. There is no question of virement, unless he knows something that we don't, but we have not been told that he has made a virement but in any case, as I understand the virement, it would be within that particular Head, that is, he could vire presumably part of the money from subhead 4 which is the Maintenance of Government Buildings, to another subhead within the same Head. What we are being told is that part of the materials that are being voted for the Maintenance of Government Offices and Buildings are going to be given to GASA to help them in building a swimming-pool. Is that permissible, because presumably if that is permissible then the rest of the materials of the £700,000 can still be voted here for the Maintenance of Government Buildings but can be discretionarily made available to anybody for building anything else.

HON FINANCIAL AND DEVELOPMENT SECRETARY:

But as I understand it it is still within Head 20.

HON M K FEATHERSTONE:

The expenditure is on what is possibly quasi Government property because the property is not owned by GASA it is only leased to GASA from Government. The actual expenditure that has taken place in the past was on what was known as the Tarik Baths and the money that was given to GASA was in the form of materials so that they could improve it. Should that revert back to Government at any time that GASA were to give it up, then Government has intrinsically had the benefit of that money coming back to them and the £5,000 will be spent on the area around GASA which, again, is Government land, in principle.

HON J BOSSANO:

Mr Speaker, we are not questioning the desirability of making funds available for the making of the swimming-pool, what we are questioning is whether this is legally within the requirements of the Ordinance. We may find that when the Auditor does his report in a year's time that it isn't but we are raising the question now and we would like the Government, if they have not thought of it, to give us an answer when they have looked at it.

MR SPEAKER:

Next question.

NO. 49 OF 1984

ORAL

THE HON J C PEREZ

Has Government completed the study of the finances of the Telephone Service Fund?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

No, Sir. The Government has not yet completed the study.

SUPPLEMENTARY TO QUESTION NO. 49 OF 1984

HON J C PEREZ:

Can the Hon Member state when he expects the study to be ready and why is it taking so long to complete?

HON J B PEREZ:

Mr Speaker, the position is that I only recently took over responsibility for the Telephone Department. I can confirm that all the ground work has already been done by both the Treasury and the Telephone Department and they have submitted a draft paper for my consideration and subsequently to transmit whatever I decide on the proposals to put forward to Council of Ministers for Government to take a policy decision on the matter. At the moment I have not yet completed the study.

THE HON J C PEREZ

Can Government confirm that interruptions to the electricity supply recently experienced arise from the type of equipment installed at the Waterport Power Station and as such will be a permanent feature of the electricity service in Gibraltar?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

Mr Speaker, the recent interruptions to the electricity supply have been mainly caused by minor faults experienced mostly in the ancillary equipment of the engines, causing them to trip automatically. The tripping mechanism which is specifically designed to prevent any damage occurring to the engines is extremely sensitive in the new engines at Waterport and responds immediately without giving sufficient time for the starting of another engine. The Electricity Department is devising a falling frequency protection scheme, which will operate in King's Bastion in order to minimise the effects when engines trip. In this connection it may be necessary to purposely trip the engines causing failure in the power supply to test the equipment. Adequate advance notice of time and dates will of course be given.

SUPPLEMENTARY TO QUESTION NO. 50 OF 1984

HON J C PEREZ:

First of all, Mr Speaker, the Hon Member has not answered whether this is going to continue on a permanent basis since it was revealed during the Budget that it is a long-term intention of the Government to close down King's Bastion and stay with the new Generating Station. As I understand it, Mr Speaker, the new generators at the Station, there is no way in which people working at the Station can know when the electricity is going to be shut because it has got an in-built mechanism that when the machine overheats it just shuts down automatically and at night, when there is one engine only, the only way that they know there is going to be a power cut is when the power cut actually occurs at the Station. What I am asking the Minister is whether that is going to be a permanent feature of the electricity supply and, if not, what is the Government going to do about it?

HON J B PEREZ:

I am saying the Electricity Department are devising a falling frequency protection scheme which will operate in King's Bastion in order to minimise the effects when engines trip. In this connection it may be necessary to purposely trip them so what I am saying is that we are devising a system which when an engine overloads and before it trips, before that particular engine trips, the feeders of particular districts will be taken off so automatically we will have time to start another engine but perhaps I am not making myself clear.

MR SPEAKER:

The answer then is that it will not be a permanent feature.

HON J B PEREZ:

As I say, if this particular device works, then it should not be a permanent feature but until we have actually tried the device that has been set up by the Department we do not know. The problem is that when the engines trip we have not got sufficient time with the new engines to start up another one.

HON J C PEREZ:

Mr Speaker, if I may, let me just clarify this point. What we are being told is that the Department is trying . . . . .

MR SPEAKER:

What you are being told is that a precautionary system is being undertaken to prevent this and that this will not be a permanent feature.

HON J C PEREZ:

Could I ask the Hon Member if they are not successful in coming up with this device, will it then be proved that the cuts will be a permanent feature of our electricity supply?

HON J B PEREZ:

No, Mr Speaker, the position is that the device has already been set up. We have already prepared to start testing this week and this is why I have said that it will require the Department to purposely cause the engines to trip and cause some power cuts but we will give advance notice. The system has already been devised, all we need is to try it out.

NO. 51 OF 1984

ORAL

THE HON M A FEETHAM

Will Government state whether ODA has approved funds for the purchase of the third generating set at the Waterport Power Station?

ANSWERTHE HON THE MINISTER FOR MUNICIPAL SERVICES

Mr Speaker, I am grateful to the Hon Member for this question as it gives me the opportunity to inform the House that the ODA has approved funds within the last week for the purchase of a third generating set for Waterport Power Station amounting to £3,035,000.

SUPPLEMENTARY TO QUESTION NO. 51 OF 1984

HON M A FEETHAM:

Mr Speaker, this has obviously been paid for from the £13m 1981/86 ODA. Can the Member then state how much is left over and has it been allocated yet?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

If the Hon Member means how much is left of the £13m, I think that is an elastic figure because it depends on what the contract for the third generating set amounts to. Sums have been allocated but that is not the tender price.

HON M A FEETHAM:

Mr Speaker, can the Member then state how much is uncommitted at the moment?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think it is in the order of £½m, roughly speaking.

HON M A FEETHAM:

Will this require further approval from the ODA to allocate?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Yes, the ODA normally insist on being presented with specific projects which they can identify for which they are prepared to give funds.

HON M A FEETHAM:

Will the Hon Member then state if Government have got anything in mind for allocating this?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I think this anticipates something which the Hon the Chief Minister will be saying in answer to subsequent questions.



THE HON M A FEETHAM

Does the Government know how many people working in Gibraltar and residing in Spain cross the frontier daily?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

No, Sir.

SUPPLEMENTARY TO QUESTION NO. 52 OF 1984

HON M A FEETHAM:

Mr Speaker, is it the Department's intention to monitor this?

HON DR R G VALARINO:

Mr Speaker, the Government may have to consider ways and means of determining the number of frontier workers. This will be looked into and it will not matter whether they are Gibraltarians, UK, EEC Nationals or any other nationality.

HON M A FEETHAM:

Mr Speaker, I am not trying to differentiate because the question would have stated that, but in view of the present discussions going on in relation to the EEC entry, is it not essential that Government should by now have set up machinery to monitor this and get the information necessary so that we are in a better position to be discussing this elsewhere, as the Hon Chief Minister is fully aware?

HON DR R G VALARINO:

Yes, Mr Speaker, I agree to some extent with the Hon Gentleman but let me add that the only information available to the Department on addresses of persons working in Gibraltar is either on their insurance records or on their labour records of those non-EEC nationals who are issued with work permits. The information on the insurance records is generally outdated if there has been a change of address. Most of the non-EEC nationals who have work permits reside in Gibraltar and do not cross the frontier.

HON M A FEETHAM:

Is the Minister aware or has he got any information as regards the number who are non-EEC who have not got work permits who are in fact working in Gibraltar? Is Government monitoring that at all?

HON DR R G VALARINO:

Mr Speaker, Sir, though the question does not arise out of this question let me assure the Hon Member that the Department is always on the lookout for people who are working in Gibraltar without permits and not only without permits but without social insurance cards and though we are aware we are also glad for any help that any member of the public may like to bring to our notice of any infringement of the law.

HON M A FEETHAM:

Is the Minister assuring the House that he will be informing us on the arrangements or the system which he is going to implement as regards monitoring workers working in Gibraltar but residing in Spain?

HON DR R G VALARINO:

Mr Speaker, the system is a complex one because, as I mentioned, some of the non-EEC nationals may be residing in Gibraltar anyway so we cannot monitor this but I give you my assurance that I shall look into it and I shall be able to report back to you as soon as possible.

THE HON J C PEREZ

Can Government explain why there is a limit to the amount of social insurance stamps that can be purchased at the Post Office on a single occasion?

ANSWERTHE HON THE MINISTER FOR EDUCATION, SPORT AND POSTAL SERVICES

There is a limit of £100 in the value of social insurance stamps which may be purchased from the general counters at the main Post Office and at district Post Offices at any one time. A service is provided from the Philatelic Sales Counter to supply any amount over £100 on 24 hours' notice.

The reasons for this procedure are:

- (a) it eases the flow at the public counters;
- (b) it relieves somewhat the pressures on staff;
- (c) in the interests of security.

SUPPLEMENTARY TO QUESTION NO. 53 OF 1984

HON J C PEREZ:

Will Government, so as not to inconvenience large firms with delays, be prepared to accept that the social insurance of employees be paid direct to the Labour Department without acquiring the stamps, by means of a cheque?

HON G MASCARENHAS:

Mr Speaker, I am aware that there is machinery two months after the end of the year whereby people in arrears can settle their outstanding sums, they can purchase them. The Post Office, as far as we are concerned, provides a service for the Labour and Social Security Department for nothing and at the end of February we return all stamps to the Labour and Social Security Department.

HON J C PEREZ:

Since the insurance stamps have gone up, will the Government at least consider increasing the limit from £100 to perhaps the same percentage as the increase in the insurance stamps?

HON G MASCARENHAS:

No, Sir.

HON J C PEREZ:

Why not?

HON G MASCARENHAS:

Because the system has been working well since 1982 and I see no reason to change this.

HON J C PEREZ:

It has been working well since 1982 but from complaints that I have received it seems that people are not satisfied now with the service they are receiving. Is Government prepared to consider raising the limit of £100, that is all I am saying?

HON G MASCARENHAS:

Mr Speaker, I have had no complaints, absolutely none, neither myself as Minister or the Director of Postal Services. The system is working very well.

HON J BOSSANO:

The Minister does not understand that every year people will be buying less and less stamps for £100, he knows that, and he thinks that that is quite a good way to do it. Eventually, presumably, people will buy one stamp for £100.

MR SPEAKER:

Next question.

THE HON R MOR

Can Government state what procedure is followed to determine the award of supplementary benefits?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

Applicants for supplementary benefits are required to declare their current earnings, any other income and capital assets. Details of family composition are also required. The award of benefits is based on this information and the Department has a visiting officer who visits households of applicants as and when required.

SUPPLEMENTARY TO QUESTION NO. 54 OF 1984

HON R MOR:

Mr Speaker, since it would appear that these are cases which are means tested cases, would the Government agree that persons in overcrowded conditions would be, even though they may be worse off financially, still be prejudiced by the way Government looks at the claims?

HON DR R G VALARINO:

Mr Speaker, I feel that the Hon Member may have got it a little bit wrong. In fact, he asked about the procedure and not about the criteria, and he is now asking about the criteria. The criteria is rather complicated and it would take a long time to be able to debate it in the House and, in fact, I would invite the Hon Member to visit the Department with myself and we can talk about this and about any other matters to his satisfaction and give him full details of the criteria involved. I think this will be the simple answer and it will save the House time.

26.6.84

NO. 55 OF 1984

ORAL

THE HON R MOR

Can Government say when they intend to proceed with their commitment to introduce a credit system for unemployed persons over 60 as regards social insurance contributions?

ANSWER

THE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

I have given notice to Mr Speaker that I will be making a statement on this subject, which I will do at a later stage in the proceedings. Let me say that the Hon Member will be entitled to ask any questions after the statement.

NO. 56 OF 1984

ORAL

THE HON R MOR

How far has Government gone into the implementation of the proposals to deal with the issue of employment and retirement as outlined in answer to Question No. 11 of 1984?

ANSWERTHE HON THE MINISTER FOR LABOUR AND SOCIAL SECURITY

The proposals outlined by my predecessor which related to the Government service, ie the retirement of Government employees over the retirement age in order to make way for school leavers and others without jobs and the encouragement of those employees who are conditioned to voluntary retirement before the age of 60 to do so, are linked to the introduction by the Government of a Unified Pension Scheme. Proposals on this are now being finalised and will shortly be put to the unions for their consideration.

The proposal for the move towards the payment of a retirement pension rather than an old age pension as at present in order to discourage persons over the age of 65 from staying in employment or seeking re-employment, will be dealt with in the context of the annual review of Social Security benefits which will be carried out later on in the year.

I will be making a statement at a later stage of the meeting on the introduction of Youth Training Schemes which is perhaps the most important step in the Government's proposed measures to deal with the problem of unemployment.

THE HON J L BALDACHINO

Can Government state how the sum of £900,279 spent up to 31.3.81 on backlog of heavy maintenance has been charged to the Housing Fund?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

(In the absence of  
the Hon the Minister for Public Works)

The figure of £900,279 was an estimate (p.100 of 1981/82 Estimates refers).

The actual expenditure under the Improvement and Development Fund was:

1978/79	-	£123,378
1979/80	-	£263,989
1980/81	-	<u>£376,325</u>
Total (up to 31.3.81)	=	<u>£763,692</u>

SUPPLEMENTARY TO QUESTION NO. 57 OF 1984

HON J L BALDACHINO:

Is this done on an amortisation policy carried out in the Budget of 1981?

HON M K FEATHERSTONE:

Yes, Sir, the amount has been amortised over 22 years. It commenced in 1978/79 and ends in the year 2000/01. The total amount charged to the Housing Fund to date stands at £140,091, current repayments are at the rate of £38,184 per annum.

HON J L BALDACHINO:

So the amortisation is carried out over a 22-year period and not over a 60-year period which is the normal thing on the policy on the Budget of 1981 stated by the then Financial Secretary? There is a difference in this to what we got in the last Budget where the pitched roofs of Varyl Begg were amortised over a 60-year period. Why the difference between this and that?

HON M K FEATHERSTONE:

I think the 60-year amortisation is for new property taking the whole of its life, this was for a backlog of heavy maintenance on property which was already in a reasonably rundown state and 22 years was considered a reasonable time to amortise it.



HON J L BALDACHINO:

I understand that, Mr Speaker, but what I am trying to get at is that I understand that the 60-year period will be the life of a new building but what I am trying to get at is that there is a difference between the pitched roofs of Varyl Begg, for example, which is another area, which will now have a life of 60 years. In other words, what I am trying to say is that the roof will outlive the building according to the amortisation policy. Quite a difference between that and this.

HON M K FEATHERSTONE:

I really couldn't say, Sir.

HON J BOSSANO:

Could I ask the Hon Member because, in fact, if I recall the position at the Budget, the Hon Financial Secretary was defending the application of the 60 years to everything irrespective of whether we were talking about modernisation, rehabilitation or what have you. Is this the only exception to the 60 year rule?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

Mr Speaker, I do recall the exchanges I had with the Hon Members opposite on this particular point and we were, of course, talking about a specific instance which might vary the general rule of 60 years amortisation as the Hon Mr Baldachino has mentioned. Here we are talking about another specific instance and I think the fact that you have two specific instances illustrates the general rule which I expressed at the time where circumstances alter cases.

HON J BOSSANO:

But, Mr Speaker, if the Hon Member will recall, what he was defending was that there should be no exception to the general rule and what I am asking is, is this the only exception, yes or no?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I cannot say whether this is the only exception, obviously, Mr Speaker, I would have to lift up all the exceptions and I certainly do not have that information.

HON J BOSSANO:

So, in fact, the Hon Financial and Development Secretary does not know at what rate expenditure from Head 101 in the Improvement and Development Fund is charged to the Special Fund for Housing?

HON FINANCIAL AND DEVELOPMENT SECRETARY:

I would not accept that. I think that question is like rather has the Hon Member stopped beating his wife?

HON J L BALDACHINO:

Do these figures also carry the 3% interest rate like every other amortisation?

HON M K FEATHERSTONE:

I am afraid I do not know very much about amortisation at all.

HON J L BALDACHINO:

Mr Speaker, will I then get the answer in writing?

HON M K FEATHERSTONE:

Well, I will ask the finance authorities.

THE HON J L BALDACHINO

Does Government propose to start the external cladding of the Tower Blocks this summer?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

(In the absence of  
the Hon the Minister for Public Works)

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 58 OF 1984

HON J L BALDACHINO:

Will the Government then be spending all the money voted in this year's estimates?

HON M K FEATHERSTONE:

The position, Sir, is that the firm who will do the work has in this current issue of the Gibraltar Gazette made an application for a Trading Licence. On the assumption that this is granted rapidly they should start work in August. It is hoped they will be able to spend the money allocated in this year's sums.

HON J L BALDACHINO:

Therefore with the work that is going to be carried out in August, will it be finished before the winter months arrive?

HON M K FEATHERSTONE:

No, I think if one refers to the estimates, some money was to be spent next year. What would be done in this year would be the £700,000, I believe, was the figure for this year, they will not complete the work.

HON J L BALDACHINO:

Will the aluminium windows be installed on the balconies as a result of this money we have voted?

HON M K FEATHERSTONE:

Yes.

HON J L BALDACHINO:

And I take it that this will be amortised over a period of sixty years?

HON M K FEATHERSTONE:

I am not at liberty to answer this.

HON J L BALDACHINO:

Will I then get the answer together with the other answers that the Minister has promised?

HON M K FEATHERSTONE:

Yes, Sir.

THE HON J E PILCHER

Can Government state what are its plans for improvements to the facilities at the air terminal in view of its declared policy to increase substantially tourist arrivals to Gibraltar and in the light of the recent experience encountered by delayed passengers which exposed the limitations of the existing facilities?

ANSWERTHE HON THE MINISTER FOR TOURISM

There are no short term plans for improving facilities at the air terminal. The areas and seating allocated to passengers are based on the International Air Transport Association Manual on Air Terminal planning geared to normal requirements. The recent experience which the Hon Member refers to was an abnormal situation resulting from diversions due to climatic conditions at the time, leading to unexpected congestion. This happened on a Monday when, under normal circumstances, five flights arrive and depart within the space of two hours.

SUPPLEMENTARY TO QUESTION NO. 59 OF 1984

HON J E PILCHER:

Mr Speaker, I thank the Minister for that but he is talking about normal situations. I take it that our airport is geared to work the normal situation that we have at the moment but I am referring to the declared policy to increase substantially tourist arrivals and therefore that cannot create an abnormal situation. Has that been catered for, because we are talking about basic facilities, the facilities that were seen to be lacking were basic facilities in sitting capacity, toilet capacity, eating capacity, refreshments, etc.

HON H J ZAMMITT:

Mr Speaker, I can assure the Hon Member that the particular Monday in question that the Hon Member is referring to was very abnormal. I have times of expected arrival and, in fact, the actual time of arrival and diversions not only emanating from Gibraltar climatic conditions but two aircraft that were diverted from departure to Liverpool from Manchester and that was very abnormal but I can assure the Hon Member that our air terminal is, in fact, geared to cater for much more than the traffic that we are normally receiving. I accept totally that five aircraft within two hours is totally abnormal to our circumstances and our structure but wherever one goes in the world if there are delays of incoming flights or outgoing flights there is bound to be shortage of seats of which if I may say, Mr Speaker, we are certainly not short. For instance, our departure hall has 133 and we know very well that the aircraft only carries 130 and, in fact, the International Air Transport Association recommends 68% of passengers to be afforded seating facilities. It is assumed that the other 32% are either shopping or doing something else, which is also catered for, that is one instance. Of course, I think I should also emphasis what has been

said here too many times before. Our air terminal in Gibraltar because of its close proximity to the main town, attracts an abnormal number of greeters and well wishers much more than one would have in any other air terminal and it is that, too, that contributes substantially to the lack of seating and lack of toilet facilities. But I take the point, this was very abnormal and one point, Mr Speaker, I would like to make is that I was delighted to see that for the first time in May this year, when we received the five aircraft within the two-hour arrival and turn around situation, which means really ten, it was a credit to the staff of everybody employed at the air terminal. I remember GBC was down there and there were no complaints at all. The air terminal is therefore adequate under normal circumstances.

HON J E PILCHER:

It is adequate under normal circumstances but there are no plans to expand it in the future.

HON H J ZAMMITT:

No, Mr Speaker, I would disagree. If we are to expect a vast number of arrivals then, of course, yes, the air terminal would be inadequate. What I would like to see is that if we can put the hours of the day into absolute proper slots then probably we could receive ten planes a day if they arrive throughout the working day. What we cannot expect to have is ten planes in one hour. We are not geared for that.

HON J E PILCHER:

Mr Speaker, the Hon Member is really not answering the question. He says there are no plans for improvements and now he says there are plans for improvements if there is going to be a boom and we are going to have planes which can be put in their proper slots. Is this feasible, are we going to be allowed to put planes in proper slots? If we are going to have a substantial increase in tourism will we be allowed to put these planes in their proper slot or will we get what happened last time and what happens all the time that we get all the planes coming in at the same time because of their departure time in UK which is 8 o'clock in the morning?

HON H J ZAMMITT:

Mr Speaker, if one is going to receive all these planes that one is hoping for, then I think, Mr Speaker, one would have to improve the facilities, that is long term, and when you are planning air terminal I am told that you plan twenty-five years ahead, that kind of projection. But what I say, Mr Speaker, is that if we are going to receive many more aircraft then, hopefully, all planes will not be from Gatwick, there are other airports in UK and for that matter other countries and, therefore, there could well be a spreading out of aircraft throughout the day. What one has to realise here is that we have one working hour, I am not saying that people are kicking their heels, but one working hour between one and two and then we have no more aircraft arriving other than the Tangier plane.

HON J E PILCHER:

I take it, Mr Speaker, using the figures quoted this must be the international standards, 68% of the seating capacity. If we have 130 seats out of 133 seats in the aircraft then we can only handle one plane at a time, if two planes came at one time then the 130 would only be 50% of the seating capacity so we could only handle one plane at a time, so if we handle two planes at a time it is an abnormal situation. Am I correct in assuming that?

HON H J ZAMMITT:

No, wrong, I said the departure hall has 133 seats, people who are channelled in there normally half an hour, forty-five minutes before the actual plane departs.

HON J E PILCHER:

How many planes can we take at any particular time, taking into account these international standards?

HON H J ZAMMITT:

Mr Speaker, we very often accept two aircraft.

MR SPEAKER:

No, how many planes can be accepted at any given moment, in accordance with the requirements of the International Air Transport Association? That is what you are being asked.

HON H J ZAMMITT:

Well, there is no set pattern on how many planes we would accept, Mr Speaker.

MR SPEAKER:

With the facilities you have.

HON H J ZAMMITT:

I would dare say two planes more or less at the same time but I would not like to be tied down to that figure.

HON J L BALDACHINO:

It must have happened on the Monday because that is the day when we get three planes in. This situation could arise again because we have three planes coming to Gibraltar on the Monday at intervals. What happened last time on the Monday was that we had three aircraft at one time and this could happen again in the future on a Monday if all the planes are delayed.

HON H J ZAMMITT:

Mr Speaker, I think I should give the times to clarify. The first aircraft should have arrived at 11 o'clock and it was diverted to Tangier and it arrived at 2.50 pm, it should have left at 11.45 and it left at 3.30. The second aircraft that should have arrived at 11.25 arrived at 2.05, should have left at 12.25 and left at 3 pm. That one was diverted not at this end but was one of the two aircraft that were diverted from Manchester to Liverpool. The other aircraft should have arrived at noon, it was diverted to Tangier and arrived at 3.05, it should have left at 1 o'clock but left at 4.15. The fourth plane, Mr Speaker, should have arrived at 12.30, in other words, at half hour intervals, it arrived at 3.05, it should have departed at 1.15 and left at 3.45. Again, this aircraft was diverted to Liverpool from Manchester because of fog in Manchester. The last aircraft which was the only one that really arrived on time was GB Airways which should have arrived at 1 but arrived at 1.15 direct, should have left at 1.45 but left at 2.07. You can see that that is uncommon in the sense that we do have climatic conditions here, cross winds, but this was our weather and UK weather both at the same time working adversely against us.

MR SPEAKER:

Next question.



26.6.84

NO. 60 OF 1984

ORAL

THE HON J E PILCHER

Has Government decided to implement any of the recommendations in the Report on Tourism prepared by the Administrative Secretary?

ANSWER

THE HON THE CHIEF MINISTER

Sir, I have given notice that I intend to make a statement, later in the proceedings, on the Report on the Tourist Industry which deals precisely with the subject-matter of the question and on which, as is normally the case, I am prepared to expand.

THE HON MISS M I MONTEGRIFFO

Can Government confirm whether nursing qualifications from Spanish institutions would be co-validated for recognition in Gibraltar, after Spain's accession to the EEC?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, at this stage it is not possible to give a direct answer to this question since as far as I am aware this matter is still subject to negotiations. What can be said is that if the standard of nursing qualifications from Spanish institutions is acceptable to the EEC then these qualifications would be acceptable in Gibraltar.

SUPPLEMENTARY TO QUESTION NO. 61 OF 1984

HON MISS M I MONTEGRIFFO:

Mr Speaker, does the Government know that Spain is definitely pressing for their nursing qualifications in the context of the validity of professional qualifications being recognised throughout Member States and therefore does the Government not agree that before this happens we should take the matter up with the Foreign Office to protect the position of Gibraltar?

HON M K FEATHERSTONE:

Yes, that would be acceptable.

HON MISS M I MONTEGRIFFO:

Mr Speaker, if the Minister remembers, we had in Gibraltar some time ago a Miss Briggs who came over to recommend changes so that our standards of training would be brought up to the level of UK. Our qualifications would then be recognised in UK without requiring a further period of training there. What has happened since then?

HON M K FEATHERSTONE:

I do not see that that question follows directly from this one.

MR SPEAKER:

Have you got the information?

HON M K FEATHERSTONE:

I think we are pursuing it, and I think it is going well.

HON J BOSSANO:

Mr Speaker, would he not agree that, in fact, if Gibraltar qualifications, for example, the Gibraltar Registered Nurse, is not recognised in UK, it will follow that it cannot be co-validated for the rest of the Common Market?

HON M K FEATHERSTONE:

That is correct so once the Gibraltar nurse is acceptable to the UK it will be also acceptable to the rest of the EEC.

HON J BOSSANO:

Yes, of course, but can he see how it follows, Mr Speaker, that if the Spanish qualifications are co-validated for Gibraltar and at present the Gibraltar ones are not co-validated for UK, then it means that other people can move into our nursing profession and ours cannot move into anybody else's?

HON M K FEATHERSTONE:

Yes, that is quite understandable. I agree with you.

THE HON MISS M I MONTEGRIFFO.

Can the Minister for Medical and Health Services say whether he has now received the report referring to the reprovisioning of changing-room facilities for nursing staff at St Bernard's Hospital, which was mentioned in answer to Question No. 6?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, certain unavoidable delays have been experienced in clearing a store into which the furniture at present in the lounge of the Hospital Quarters can be transferred. Nevertheless, being aware of the need to accelerate the process of providing improved changing-room facilities, action is currently being taken to move this furniture elsewhere in the Hospital in order that the projected move can be made without further delay.

SUPPLEMENTARY TO QUESTION NO. 62 OF 1984

HON MISS M I MONTEGRIFFO:

Mr Speaker, this question of reprovisioning the changing-rooms is pending since 1981. Can the Minister, therefore, keep me informed as and when any progress is made?

HON M K FEATHERSTONE:

Yes, I shall be happy to let you know as soon as the change comes off.

THE HON MISS M I MONTEGRIFFO

Can Government state how much money has been allocated for this financial year out of the PWD Maintenance Vote for buildings occupied by the Medical Department?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

£50,000 have been allocated for this financial year out of the PWD Maintenance Vote for buildings occupied by the Medical Department.

SUPPLEMENTARY TO QUESTION NO. 63 OF 1984

HON MISS M I MONTEGRIFFO:

Mr Speaker, is the Minister satisfied that this maintenance money will meet the needs of the Hospital for the current financial year?

HON M K FEATHERSTONE:

I would say that one is never satisfied with the amount one gets. I have the boot on the other foot at the moment. No, one is never satisfied but I think it is a reasonably fair proportion. I would add that one of the things that we do intend to do this year, I would like to give it a little publicity, is the construction of a Hospital chapel.

THE HON M A FEETHAM

Can Government explain the machinery in Government Service for appeals against decisions by a Medical Board?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

There is no machinery for appeals against the findings of a Medical Board. Medical Boards consist of a panel of three medical specialists appointed by the Director of Medical and Health Services and their recommendations are accepted as final.

SUPPLEMENTARY TO QUESTION NO. 64 OF 1984

HON M A FEETHAM:

Mr Speaker, is Government saying that they consider that to be fair and reasonable, that their employees have no recourse to appeal against the decision of a Medical Board?

HON M K FEATHERSTONE:

If you have three medical specialists the only appeal would be to further medical specialists which we would not have available so I cannot see that, in fact, it is very easy to do. I accept that some form of appeal would seem to be the best possible course of action but it does not seem to be something that is easy to do.

HON M A FEETHAM:

Is the Minister aware that the UK Departments in Gibraltar, who are employees of the Crown, have the right so why shouldn't the employees of the Crown employed by the Gibraltar Government have the same right?

HON M K FEATHERSTONE:

Perhaps the Hon Member would be kind enough to enlighten me as to what rights of appeal the UK Departments have and we could consider that for Government to follow.

HON M A FEETHAM:

Yes, I will acquaint the Minister. I am not quite sure whether the Minister is aware that the question as to whether one should have the right or not have the right in terms of who should make the final decision, whether it should be a Medical Board or otherwise, is actually a fair answer because the Minister is aware that under the Social Insurance Ordinance you have got a right of appeal to the Medical Board against the decision of the Medical Board, in a case of industrial injury, for example. Why cannot the same thing be adopted by Government?

HON M K FEATHERSTONE:

I am willing to look at it, Sir, but I find considerable difficulty if you have got three specialists who on medical grounds have found something, it is rather hard for a layman to challenge what they have stated as medical practitioners.

HON M A FEETHAM:

Do I take it that the Minister is accepting the principle of an appeal by a person who feels aggrieved against the decision of a Medical Board? I will be quite happy with an answer to that, yes or no?

HON M K FEATHERSTONE:

In principle, the idea is acceptable. In practice, I find it very hard to put into effect but we are willing to look into it to see if anything can be done.

NO. 65 OF 1984

ORAL

THE HON R MOR

What is the number of households which were in receipt of rent relief during the financial years 1982/83 and 1983/84 and how many of these correspond to privately owned accommodation?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

The number of tenants in receipt of rent relief during the years in question is as follows:

<u>Calendar Year</u>	<u>Government Accommodation</u>	<u>Privately owned accommodation</u>
1982	324	30
1983	340	31
1984	335	32



THE HON R MOR

Does Government agree that the provisions of rent relief for tenants of privately owned accommodation are totally inadequate and need to be brought into line with those of Government tenants?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

No, Sir. All applications are assessed on household income. The assessment of applications from privately owned accommodation is dependent on a formula which takes into consideration whether the rent is inclusive or exclusive of rates, whereas in the case of Government tenants, the whole rent, inclusive of rates, is taken into consideration for assessment purposes. Applications from tenants in newly constructed flats such as at Rosia Dale, Rose Shrine, St Joseph's, St Jago's and others constructed thereafter, are at present excluded, other than in the case of bedsitters. Consideration is being given to whether these estates should also be included in the scheme, and, if so, to what extent.

SUPPLEMENTARY TO QUESTION NO. 66 OF 1984

HON R MOR:

Mr Speaker, is it then Government's policy to discriminate against tenants who live in private dwellings?

HON M K FEATHERSTONE:

No, Sir.

HON J BOSSANO:

The Minister says that he doesn't accept that tenants in privately owned accommodation are treated in an inferior way to the ones in Government. Well, does the Minister not accept that the formula which he is applying to the private sector does not relate rent relief to the rent actually being paid but to the rent that would be payable if the property was a rent controlled property outside the scope of Section 7(a) of the existing Landlord and Tenant Ordinance?

HON M K FEATHERSTONE:

This is not the way I have read it, Sir. It is assessed on the rent that is paid, what is not taken into account is the rates.

HON J BOSSANO:

But is it not the case that the rent that is assessed is the rent that is established by virtue of the provisions for rent control properties, I mean, is the Minister not saying that people . . .

MR SPEAKER:

Are you suggesting, irrespective of the actual rent being paid?

HON J BOSSANO:

Yes, Sir.

MR SPEAKER:

Could the Minister confirm this?

HON M K FEATHERSTONE:

If a person is paying a rent that is higher than the provisions of the rent that is controlled, then he should apply automatically to the Rent Assessor to see that his rent is brought into the proper channels and into the proper figures that it should be.

HON J BOSSANO:

No, Mr Speaker, because the Hon Member must know that under the existing Landlord and Tenant Ordinance and under the new Landlord and Tenant Ordinance there are many ways in which it is possible to get a property decontrolled and if the property is decontrolled then there isn't a statutory rent for it.

HON M K FEATHERSTONE:

The Hon Member might be right; I must confess my ignorance on this point, I am rather new on this, I shall have to look into it. If he would like to see me afterwards and give me details I will be happy to look into it.

NO. 67 OF 1984

ORAL

THE HON R MOR

Will Government state why rent relief is not applicable to tenants who have occupied privately owned accommodation after 23 April, 1959?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Rent relief does not apply to those who became tenants of privately owned accommodation after the 23 April, 1959, because that was the specified deadline incorporated in the Ordinance when the Rent Relief Differential Scheme was introduced. This has remained unchanged since.

SUPPLEMENTARY TO QUESTION NO. 67 OF 1984

HON R MOR:

Mr Speaker, is Government saying that tenants who are forced to reside in private accommodation purely because the Government has failed to provide them with adequate housing, that they are being penalised for not qualifying for rent relief?

HON M K FEATHERSTONE:

I am not saying that that is so but, in fact, that is the position. Perhaps the situation is that we should look into a possible change of the actual date.

HON R MOR:

Mr Speaker, haven't the Government got its priorities wrong by placing the place of residence first rather than the economic situation of the tenant?

HON M K FEATHERSTONE:

No, I wouldn't think so, Sir.

THE HON J L BALDACHINO

How many Government dwellings declared unfit for human habitation are still occupied by tenants?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

There are at present ten tenants in occupation of dwellings, which although not actually declared to be unfit for human habitation, would be so declared in the Chief Environmental Health Officer's opinion by a Court of Summary Jurisdiction.

SUPPLEMENTARY TO QUESTION NO. 68 OF 1984

HON J L BALDACHINO:

Mr Speaker, can the Minister then state if rent is payable on the same principle as the other dwellings?

HON M K FEATHERSTONE:

I would say, yes, Sir.

HON J L BALDACHINO:

Mr Speaker, is that because the Landlord and Tenant and Public Health Ordinance do not apply to the Government that people are allowed to live in Government flats like that?

HON M K FEATHERSTONE:

Mr Speaker, the position is that the Government is not bound by the Ordinance but the Government does respect it and as far as possible applies it.

HON J L BALDACHINO:

Mr Speaker, I understand that the Government respects the Ordinance but they still have ten tenants living in that state. If they pay the same as any other dwellings, what is the responsibility then of the Government towards these tenants in case of accidents occurring due to the state of the buildings - and I have seen some of the buildings?

HON M K FEATHERSTONE:

I am under the impression that that is really a matter for the Law Officers to decide.

HON J L BALDACHINO:

Mr Speaker, it was established in the last session of Questions and Answers of this House that these tenants are not given special consideration, they are given only more points and they cannot take the Government to Court, that is another point. Then how can the Law Officers decide what is payable or not?

MR SPEAKER:

The Law Officers have to decide as to the responsibility of Government insofar as injuries received as a result of the state and condition of the premises.

HON J L BALDACHINO:

Mr Speaker, it was established in the last session of Questions and Answers in this House that these tenants are not given special consideration, they are only given more points. Can the Minister then state what is the minimum and maximum points awarded for people living in these conditions?

HON M K FEATHERSTONE:

I wouldn't say they are not given special consideration if they are given extra points. I do not know offhand the number of extra points they are given but if they are given extra points it does give them some advantage for the poor conditions under which they are living.

HON J L BALDACHINO:

Mr Speaker, when I said that they are not given special consideration I was referring to what the previous Housing Minister said in this House, that they were not given special consideration but they were given more points. If the Minister were to look at the Housing Allocation Scheme he will find that these points are given at the discretion of the Housing Allocation Committee and it is not just for people living in condemned dwellings, it covers a wide range of cases. That is so, isn't it?

HON M K FEATHERSTONE:

Yes, that is so.

HON J L BALDACHINO:

Therefore, as I have explained, the guidelines used by the Committee is laid down in paragraph 15 of the Housing Allocation Scheme. Does the Minister then agree with me that these tenants are living in conditions which contravene the law and the only thing that is stopping the tenants taking legal action against the Government is the fact that the law does not apply to the Government, therefore, Mr Speaker, does not the Minister then agree with me that there should be provision in the Housing

waiting list for people living in condemned dwellings and points awarded should not be by discretion but by right laid down in the Scheme with just one set of points, Mr Speaker, because there is only one category in condemned dwellings - condemned dwellings?

HON H J ZAMMITT:

Mr Speaker, if I may help the Hon Member. There is, in fact, a particular formula in the case of condemned dwellings which the Hon Member might well find in the Scheme. It is allocated by the Housing Advisory Committee and there is a stipulation, it is not at the whim of any individual, there is a formula set down and it goes on areas, family composition and the like.

HON J L BALDACHINO:

Mr Speaker, paragraph 15, discretionary provisions, under that it states: "In special circumstances of any case including a case where the applicant has been dispossessed . . . . ."

MR SPEAKER:

With respect, I think we are talking at cross purposes. That is an extra allowance. From what you have read it is clear it is an extra allowance over and above the fact that the applicant may have had points awarded to him because he is living in unfit accommodation. What you are reading now is in excess and it is extra to what we have been discussing.

HON J L BALDACHINO:

I am trying to get agreement from the Minister that there should be a special provision for people living in condemned dwellings with just one point system. No minimum, no maximum, just one set of points for people living in a condemned dwelling.

MR SPEAKER:

What you have been told is that there is a system whereby people living in condemned accommodation are awarded a maximum number of points according to the circumstances, area and the conditions of the dwellings and such like.

HON J BOSSANO:

Mr Speaker, I think the point that we want the Government to respond to is over and above the normal pointage that is given to a person. The Minister has said that somebody living in a condemned dwelling, one of these families, for the purposes of rent pay the same rent as everybody else and, presumably, for the purposes of accommodation, the adequacy of the accommodation is treated in the same way, that is, they come and measure the place and you get so many points for overcrowding whether the place is condemned or not condemned and so forth. Additionally, it is possible to give additional discretionary points on the recommendation of the Advisory Committee. What we are

saying is would the Minister not consider that the scheme should provide that there should be a number of additional points given automatically out of the fact that the place is condemned as there are additional points if the place is damp?

HON M K FEATHERSTONE:

The Hon Member is suggesting that the number of extra points should be mandatory. I think that has a certain amount of logic behind it, I am willing to look at it.

THE HON J L BALDACHINO

What steps does Government take to ensure that pre-war dwellings allocated to social cases are fit for human habitation and safe?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Pre-war dwellings are, as a rule, rehabilitated prior to allocation to social cases. There are instances, however, when such cases request, as a result of their pressing housing needs to be allocated specific unoccupied dwellings, as they stand. They then undertake to carry out necessary repairs themselves on provision of required materials.

SUPPLEMENTARY TO QUESTION NO. 69 OF 1984

HON J L BALDACHINO:

So, therefore, Mr Speaker, what the Minister is actually saying is that the Government has no responsibility for the safety of the dwelling?

HON M K FEATHERSTONE:

No, I am not saying that at all. I am saying that in normal circumstances the house is rehabilitated by the Public Works Department before being allocated but where you have a very pressing case, for example, somebody who is living in a car and who says: "I will take the place as it stands at the moment without it being rehabilitated because I prefer at least to live with a roof over my head albeit the conditions being not as good as one would like and I myself am willing to do the repairs", then it is often allocated to that person and the materials are given by Public Works to help in the actual repairs.

HON J L BALDACHINO:

Therefore, under those circumstances the tenant himself would carry out the repairs. In other circumstances it would be up to the Housing Department to carry out the repairs?

HON M K FEATHERSTONE:

Yes.



NO. 70 OF 1984

ORAL

THE HON J C PEREZ

Can the Minister state when it is intended that the MOT Vehicle Testing Centre will be fully operational?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

As soon as the necessary legislation is promulgated and the staff recruited and trained.

SUPPLEMENTARY TO QUESTION NO. 70 OF 1984

HON J C PEREZ:

Mr Speaker, does the Minister think that it is normal that the Testing Centre should have been completed so long ago and that it is still not operational and can he say under what Head in the Estimates is the money for the maintenance of the Testing Centre going to come out until it is fully operational?

HON M K FEATHERSTONE:

It is not right to say it is not operational because they are testing at the moment goods vehicles. I am not sure which Head the money referred to comes under but, as I say, the place at the moment is giving some service and it will give a fuller service, the service that it was intended to give fully, as the necessary legislation is promulgated and as the staff is recruited. It takes a certain time to recruit and train the staff.

HON J C PEREZ:

Mr Speaker, is the Hon Member expecting the place to run at a loss until it is fully operational or will the limited use of the Testing Centre cover the cost at present without the recruitment of staff and without the range of services that it is intended to give?

HON M K FEATHERSTONE:

Well, if you are putting it on a private basis footing, then it would be running at a loss initially but many businesses do run at a loss and run at a profit later on. I hope when we do run it at a profit you do not start saying that we are making absurd profits.

HON J C PEREZ:

Has the Government already taken a decision on what they are going to charge motorists for the tests involved and could the Hon Member commit himself to keep this side of the House informed on income and expenditure in relation to what is projected?

HON M K FEATHERSTONE:

Yes, Sir, the scale of fees has already been worked out. I will be happy to give the Hon Member a copy if he has not seen it yet.

NO. 71 OF 1984

ORAL

THE HON J C PEREZ

Will Government take the necessary steps to bring amending legislation limiting the use of a second driver in the taxi service, according to the requirements of the trade as established after consultation with the Taxi Association?

ANSWERTHE HON THE MINISTER FOR HEALTH AND HOUSING

Sir, a number of amendments to the Traffic Ordinance are in preparation. Amongst these is a proposal to amend considerably the section dealing with road service vehicles and when this is completed the whole question of drivers in the taxi service will have been taken into account. During these considerations the Taxi Association will be consulted for their views and aspirations.

SUPPLEMENTARY TO QUESTION NO. 71 OF 1984

HON J C PEREZ:

If the Taxi Association were to propose that a limit on the use of a second driver be included in those amendments, will the Government be in a position to accept that?

HON M K FEATHERSTONE:

Government is willing to listen to the aspirations of the Taxi Association as long as these aspirations are reasonable. What, unfortunately, seems to be the position at the moment is that the Taxi Association is not fully sure of what they want. They seem to wish to be able to switch on the second driver at the turn of a switch which is not something that you can easily do by legislation. They seem to ask one day for one thing and when circumstances vary somewhat to what they expected they suddenly wish to change the legislation to suit their convenience. If it can be worked in such a way that a reasonable answer to what their aspirations are can be accommodated, then it will be done.

HON J C PEREZ:

Is the Hon Member aware that the suggestion of the two driver one car . . . . .

MR SPEAKER:

No, we are not going to discuss that question because otherwise we are going to get bogged down. If you want to ask another question by all means do so.

HON J C PEREZ:

Will the Hon Member commit himself to bring the amendment that he is suggesting that the Government is going to make to the next meeting of the House in October, after the Summer recess?

HON M K FEATHERSTONE:

I would not like to commit myself to that because the whole question hinges on the fact that there is a considerable amount of drafting to be done. At the moment the Attorney-General's Department is depleted insofar that an actual Law Draftsman is being recruited. When we have that person I will try and push through the Traffic Ordinance as a measure of priority. There are other Bills also in the pipeline. I would not like to commit it for October. I would hope, however, to have it by the end of the year.

26.6.84

NO. 72 OF 1984

ORAL

THE HON M A FEETHAM

Has Government taken a decision regarding the Chamber of Commerce representation on Customs arrangements at the frontier?

ANSWER

THE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

A memorandum was presented to me last Thursday at a meeting which I held with representatives of the Chamber of Commerce and the Food and Provisions Wholesalers. Because Council of Ministers normally meets on Wednesdays it has not yet been possible to consider the matter in that forum.

SUPPLEMENTARY TO QUESTION NO. 72 OF 1984

HON M A FEETHAM:

Can the Minister give an indication when a reply will be given?

HON A J CANEPA:

I cannot give any indication about a reply. What I can say is that I will be bringing the memorandum to the notice of my colleagues at the next meeting of Council of Ministers.

THE HON M A FEETHAM

Will Government give a progress report on the work done by the Think Tank set up by the Minister for Economic Development?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Sir. The Think Tank is not a statutory or formally established Committee. It has been set up at my own personal initiative in order to provide me with an informal consultative body, to which I have invited a number of individuals in a purely private capacity.

SUPPLEMENTARY TO QUESTION NO. 73 OF 1984

HON M A FEETHAM:

On a point of clarification, Mr Speaker. These individuals who have been invited in a personal capacity, have they been nominated by the Associations, as far as you are aware?

HON A J CANEPA:

No, I approached everybody myself individually and I did not approach any Associations to which they may or may not belong.

HON M A FEETHAM:

Mr Speaker, is the Minister saying that in effect he does not think it important that this side of the House should have a progress report because this is something of a personal nature?

HON A J CANEPA:

What I am saying is that in the exercise of my Ministerial responsibilities and to the extent that I feel that I can get helpful advice and establish contacts with individuals, I think that I am free to meet whomsoever I wish. I do not think that there is anything to stop me from holding meetings with groups of individuals. That is what I am doing and in the exercise of that I do not think that I owe an explanation to anybody. I do not even report to my colleagues about it. Ministers, as Ministers, do not get a progress report, it so happens that three of them belong to the Think Tank but the others are not told about what is going on.

HON J C PEREZ:

I take it then that whatever policies emerge after consultations there, in fact, the Minister does not think it is necessary to seek our views?

HON A J CANEPA:

What we discuss may or may not be reflected in the policy which the Government adopts. Many matters are discussed, it is a useful sounding board as well but I would not like to keep tabs or keep a record on the extent to which our deliberations influence the policy of the Government in one way or another. I can say that it is a valuable forum and I can say that already I can detect that our discussions in this consultative body do influence our thinking, if I may use that word.

HON J BOSSANO:

Wouldn't the Minister for Economic Development agree that, in fact, to have called it a Think Tank in the first place appears then to be a misnomer because the function is not what the publicity led one to believe.

MR SPEAKER:

Well, they are still entitled to think.

HON J BOSSANO:

Anything that makes the Government think is welcome in its own right per se. I think the Hon Member is perfectly right to say he does not have to explain to the House or to anybody else who he meets and has a chat with to sound out his ideas. Does he not agree with me that the impression created was that this was a much more formal thing which effectively was a generator of new ideas, getting together with the private sector to give an impetus to the economy. Much more has been made of it, will he not agree, than appears to be the case?

HON A J CANEPA:

I think I made it abundantly clear both in the interview that I gave to the Gibraltar Chronicle and on television as to what it was and I do not think that I said then anything which is in conflict with what I have said this afternoon. Neither does it replace other consultative machinery. For instance, since the new Board of Directors of the Chamber came in, we have now established that we are going to meet on a regular basis not just as problems arise but quite regardless we will have regular meetings within a specified time basis in order for me to be able to consult them for them to find out what the Government is thinking and doing about various matters and that consultative process with the Chamber of Commerce has got nothing to do with what is going on here. I think it has given the press, including perhaps some Members opposite, a great deal of material to be able to write many stories.

THE HON M A FEETHAM

Can Government confirm that they will be legislating to require all companies incorporated in Gibraltar to publish their annual accounts?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

No, Sir. The position with regard to company law is that the Ordinance requires updating generally. At the Gibraltar Government's request, the ODA are in the process of engaging a lawyer specialising in this field to carry out the task.

SUPPLEMENTARY TO QUESTION NO. 74 OF 1984

HON M A FEETHAM:

Am I not correct in saying that there is an EEC Directive regarding the harmonisation of company law and that this Directive, in fact, requires every Limited Company to disclose annual balance sheet and profit and loss accounts?

HON A J CANEPA:

I do not really know enough about the matter, Mr Speaker. What I can say is that the whole question of the application of European Community Directives will be one of the matters which is going to be concerned in the review of the legislation but I would not want to be pinned down on any particular Directive because I do not have the information with me.

HON M A FEETHAM:

Mr Speaker, has Government received a Directive regarding this particular question of the EEC. Is there anybody who can answer?

HON A J CANEPA:

In fact, there is an EEC Directive and the Directive is communicated to the Government of Gibraltar presumably by the Foreign and Commonwealth Office and the implications of such a Directive has to be studied. Initially, I imagine it has to be studied by the Attorney-General who has got to advise the Government accordingly. That process has not reached the stage of anything being brought to the notice of Ministers for a policy decision.

HON M A FEETHAM:

I am sorry, I do not want to be a stickler on this, Mr Speaker, but isn't that Directive there since 1968?

HON CHIEF MINISTER:

We did not belong to the Common Market in 1968.

HON M A FEETHAM:

But the Directives issued by the EEC are still bound to be honoured. The reason I am saying this, Mr Speaker, is because the Directives, if I am correct, for example, makes no allowance that many companies incorporated with limited liabilities are not in fact trading companies or companies dealing with the public and, in fact, are purely the vehicle for the anonymous holdings of assets. Mr Speaker, I am asking this question because, in fact, if there is a Directive which requires all companies to furnish their accounts, is it not a fact that this will do great damage to the aspirations of Gibraltar as a Finance Centre?

HON A J CANEPA:

The answer, Mr Speaker, is that I do not know and therefore I do not wish to be drawn on commenting on the matter.

HON J BOSSANO:

Mr Speaker, is the answer that nobody in the Government knows because this side of the House has not requested Mr Canepa to answer the question?

HON A J CANEPA:

No, but it so happens that Company Law falls within the schedule of my Ministerial responsibilities and I only discovered that when the question was brought to my attention.

HON M A FEETHAM:

Mr Speaker, would it not be correct to say then that if this side of the House is correct that one of the pillars of the Government's past policies is, in fact, doomed to failure?

HON J BOSSANO:

Mr Speaker, I would like to ask the Member who says maybe the Directive was there since 1968 . . . . .

MR SPEAKER:

No, the year 1968 was brought in by Mr Feetham.

HON J BOSSANO:

Yes, and the Hon the Chief Minister said maybe.

HON CHIEF MINISTER:

No, I said we were not there.



HON J BOSSANO:

I accept that entirely. Is it not the case, Mr Speaker, that when we joined the EEC in 1972, we were told we had to change a number of Ordinances precisely to comply with Directives and how come if the Directive was there when we joined we were not required to do something about it then?

MR SPEAKER:

I think the Ordinances that we were required to change in order to qualify for the EEC Regulations were those which were discriminatory but, of course, I stand to be corrected.

HON J BOSSANO:

Mr Speaker, I remember we were required to change the Trade Restrictions Ordinance, the Control of Employment Ordinance, the Immigration Control Ordinance.

MR SPEAKER:

They were discriminatory and gave special privileges to special people.

HON CHIEF MINISTER:

First of all, I do not want to pose as an expert of European Law because I am not but there is a difference between the fundamental laws of the Treaty of Rome and the Directives which are sent from time to time all over the place some of which do not come to us until a long time after they are passed and in fact I know that that happens with other Governments of a bigger nature. Of course there is a Directive which deals with the way in which company law should be done and in fact this has been the subject of considerable number of representations by what is called the Finance Centre Group. The question of the applicability and the interpretation of some of the Directives is not that easy. There was a decision the other day by the European Court on a Directive about sex equality which made no sense at all, either the Directive or the decision.

HON J BOSSANO:

Be that as it may, Mr Speaker, would the Hon Member not agree with me that if, in fact, people are making representations which we are pursuing to give protection, then we must assume that in the absence of any advice to the contrary the representations that they are making are valid, that is to say, would the Chief Minister not agree with me that either we tell the Finance Group that they have nothing to worry about or we confirm the fears of the Finance Group?

HON CHIEF MINISTER:

The point is the matter cannot be decided on a black and white basis.

MR SPEAKER:

Next question.

THE HON J L BALDACHINO

What proposals has Government received for development of the Gasworks site?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

None to date, Sir. If the Hon Member is referring to an article which appeared in the press recently I ought to clarify Government's position on the matter.

The position is that any person may submit outline proposals in respect of any area of land for consideration by the Development and Planning Commission on planning grounds only. This does not mean that even if the proposals find acceptance on planning grounds, that the land will be made available to the applicant for that purpose. The manner of allocation of the land is a matter for the Land Board after Gibraltar Council has approved the terms of disposal in accordance with Section 75 of the Constitution.

SUPPLEMENTARY TO QUESTION NO. 75 OF 1984

HON J L BALDACHINO:

Mr Speaker, I suppose once the Government has made up its mind to develop the Gasworks site they will put it out to tender?

HON A J CANEPA:

It might, yes. Once the Government has agreed on a scheme it would put it out to tender. I think I should explain that we have not reached that stage. We have not reached the stage that the Government has and by Government I mean Council of Ministers. There are Government Committees, the Development and Planning Commission, the Forward Planning Committee, which is the Committee that plans ahead in respect of the Development Programme which are considering the matter but I have not yet taken a paper with proposals to my Colleagues in Council of Ministers. We have not reached that stage, it is only when that stage is reached that perhaps the question of tenders might arise.

HON J BOSSANO:

Mr Speaker, does the Minister for Economic Development agree then that on the basis of the stage that he is describing and the timescale which normally operates, there isn't the remotest possibility of any work starting on the Gasworks site in the current financial year?

HON A J CANEPA:

There is no possibility of any work starting in the current calendar year.

THE HON J L BALDACHINO

What future plans has the Government for White Rock Camp?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

The Government has no definite plans for White Rock Camp although the area has potential for a tourist orientated development incorporating the Caravan site. However, that has to be weighed against further housing requirements for the inhabitants of Catalan Bay.

SUPPLEMENTARY TO QUESTION NO. 76 OF 1984

HON J L BALDACHINO:

Mr Speaker, in the last session of Questions and Answers of this House and taking into consideration the type of building it is which is the same type as the old Glacis Estate which were temporary buildings and according to the then Minister for Public Works, now the Minister for Housing, he said that those buildings could have a lifespan if they had good maintenance and repairs for twenty years. Surely, those buildings have now exhausted even the twenty years lifespan and they are almost forty years old. What I am trying to get at, Mr Speaker, is whether the Government have any plans to re-provision the people who live in those buildings?

HON A J CANEPA:

Mr Speaker, the question was interpreted as being one generally having to do with planning policy in respect of the site. We did not identify this question as being the more specific matter of what does the Minister for Housing propose to do about the people living at White Rock Camp, that is why I have given the answer that I have given.

HON J L BALDACHINO:

I understand that, Mr Speaker, so therefore I will ask another question at the next meeting of the House. Will the Minister agree with me that when the Government decide to implement the Pitaluga Report, those buildings, even if we have the whole of Gibraltar clean, are an eyesore to tourism?

HON A J CANEPA:

I do not disagree with the Hon Member opposite.

NO. 77 OF 1984

ORAL

THE HON M A FEETHAM

Can Government state whether the reclamation in the viaduct area has been stopped?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

If the Hon Member is referring to the Causeway Project the answer is, no, Sir. Agreement has been reached in principle with MOD, subject to final confirmation, on the apportionment of the costs for the construction of the Causeway. It is hoped to put this project out to tender later on this week. If, however, the Hon Member is referring to the area between the New Distiller and Varyl Begg this is an on-going project where debris is being tipped as demolition takes place.

THE HON M A FEETHAM

Will Government state when it is envisaged that work will commence on the multi-storey car park at Casemates?

ANSWERTHE HON THE MINISTER FOR ECONOMIC DEVELOPMENT AND TRADE

If the agreement which has been reached in principle with the MOD, the developer and A & P Appledore materialises, then work on the multi-storey car park project could commence within a year.

As stated in a recent Press Release, this agreement envisages the conversion by the developer of a derelict building at South Barracks known as North Pavilion into six flats at an estimated cost of £160,000. These flats together with a seventh flat to be made available by the developer will then be offered to A & P Appledore as alternative accommodation in lieu of the seven MOD Quarters at Casemates which are to be leased to them for a three year period. Otherwise the developer will be unable to obtain vacant possession of the site until three years time when the lease expires and when it is hoped the MOD Build will be completed.

The MOD have also agreed to lower their reprovisioning requirements to three Type III Quarters at an estimated cost of £300,000, which on payment would see the Casemates site declared surplus to MOD requirements.

The developer is now studying the proposal in detail on the basis that he would carry out the conversion himself provided the tender sum of £105,000 is put towards the cost of conversion.

The Government has also agreed to underwrite the reprovisioning requirements with the MOD in the event of default by the developer.

The Government stands to gain by this arrangement:-

- (a) because it will accelerate an important development estimated at £5m; and
- (b) because six flats will be at Government's disposal at the end of the three year lease with A & P Appledore.

SUPPLEMENTARY TO QUESTION NO. 78 OF 1984

HON M A FEETHAM:

Mr Speaker, in view that I required a short answer and the Minister has been kind enough to give me a very lengthy one, it seems to me that there is something which I do not understand. Has there been a deviation from the original condition that were put out to tenderers originally to the agreement which has now been reached? Have you deviated to such an extent that you have put other tenderers in an unfair position?

HON A J CANEPA:

No, because the requirements that the MOD Quarters be reprovisioned is being maintained. What is happening that is different is that the tender site, together with such other expenditure as the developer will have to incur and I think I quoted a figure of £160,000 in respect of this derelict building or semi-derelict building at North Pavilion, that expenditure will have to be met by the developer. We will then be in a position that the Government will acquire six flats, that would not have been the case otherwise. One building exactly like it, South Pavilion, houses six senior Government officers in pretty good condition and the work was carried out then, about six or seven years ago, at a cost of £90,000. The Government will acquire six good flats which otherwise it would not have had because the reprovisioning requirement was in respect of the developer reprovisioning for the MOD and it would only have been at a later stage, if ever the MOD declared those flats or those quarters to be surplus to its requirements, that it would have come back to the Government. Now they could come back to the Government within three years but the interests of nobody else are being prejudiced as a result.

HON M A FEETHAM:

Mr Speaker, the reason I ask that question is because I recall that the difference between the lowest tender which was in fact the successful tender was £105,000, against the highest tender which was £605,000, a difference of £½m. I am saying this because in the detailed reply which the Minister has very kindly given, I think there has been a deviation because one of the reasons why you did not award originally the tender to the highest bidder, and we are talking about £½m coming to Government, was that he qualified his tender by stating that he would be giving the tender sum on the date that the MOD released the land and you did not think that was a good enough proposal. Have you now, by this new agreement, speeded up the process of handing over?

HON A J CANEPA:

First of all, I give credit to the Hon Member that when he quotes the figure of £600,000 he probably has his facts at his fingertips but I would refer him to exchanges which took place in this House where I think I answered questions from the then Opposition, where I explained the criteria, where I explained the reasons why the Government had selected this tenderer and the criteria were much wider than what has been indicated by the Hon Member. There were other aspects of the matter but I would refer the Hon Member to the Hansard which is available and I might find it rather more straightforward to come up with it myself and therefore the Hon Member can be provided with the information. It was not just a question of a sum of £105,000 and a sum of £605,000 and the acceleration of the completion of the project. They are important factors but there were other reasons as well but I did say at the end of my answer today that the Government stood to gain from this arrangement because it will accelerate an important development estimated at £5m. It will accelerate it in that the MOD is making the site available much earlier than what it otherwise would do, it is one factor amongst three or four others.

HON J BOSSANO:

Mr Speaker, let me just ask the Minister, if he will bear with me and clear up some things, because I am not very clear although he has given a comprehensive answer. The position is that he feels the Government gains because they are going to get six flats from North Pavilion which is now derelict. Who does North Pavilion belong to at the moment?

HON A J CANEPA:

At the moment North Pavilion is a Government property which is being used, I think, as a nursery. St Joseph's Club used it, probably the nursery has moved in to what used to be St Joseph's Club.

HON J BOSSANO:

How long has it been Government property?

HON A J CANEPA:

When I came into office twelve years ago it was a small Government hostel.

HON J BOSSANO:

So, in fact, the situation is that if the Government was able to provide six very good quarters in an almost identical building for £90,000, which is £15,000 a unit, there was nothing to have stopped the Government doing the same thing with this particular quarter so it is not that they are gaining something out of the blue, it is something that they have had there all the time which they could have developed at any time by devoting the money to it.

HON A J CANEPA:

Yes, of course, it has been an asset but we have never had the funds to develop it. If the Government were to go ahead and put it out to tender, invite tenders for its development into six flats, I am willing to bet anything with the Hon Member that it would not be done for £160,000. I delete the one and put a two in front and that might be nearer the price.

HON J BOSSANO:

If the building is going to be done by a building firm for £160,000 it certainly gives the Government an opportunity to establish what profit margins of the construction industry are, I would have thought, Mr Speaker, but the point is that, in fact, what the Government is saying is that it is going to get £160,000 to spend on property which already belongs to them and which they would not have spent otherwise because they have not got the money. As regards the £105,000, are they not putting £105,000 towards the £160,000?

HON A J CANEPA:

Yes, we are.

HON J BOSSANO:

So the Government is gaining £55,000?

HON A J CANEPA:

The Government is gaining £55,000 worth of work, a completed building within three years and the acceleration of a project which is of importance to the economy.

HON J BOSSANO:

But, in fact, Mr Speaker, when the Minister answered a question here in 1982, telling the House of the award of the tender, isn't it the case that the successful tenderer in 1982 was supposed to be getting on with the job of reprovisioning the MOD, that is, at his expense?

HON A J CANEPA:

The successful tenderer has made a number of offers to the MOD involving flats which he owns and the MOD have found them sub-standard and the years have gone by and we have not been able to get on with it and the MOD not only has been turning down the offers which the developer has been making, but more recently because they were required to provide forty-six flats for A & P Appledore, decided that those seven married quarters which were an intrinsic part of this development, should be included in the quarters that they were going to hand over.

MR SPEAKER:

Yes, we must not go any further into this matter.

HON J BOSSANO:

I think it is important. I am seeking information, Mr Speaker. The information that I am seeking now on the basis of the latest facts I have had is that if we have got a situation where the seven quarters in the Casemates now belong to the Shiprepair Company, the MOD is no longer in a position to put any obstacles in the way.

HON A J CANEPA:

The MOD is proposing to include those in the forty-six that it is going to offer to Gibraltar Shiprepair Limited and the Government has the duty to point out to the MOD and say: "Look, if you do that the development will not get off the ground and we have wasted three years of planning". We have to come up with a solution and this is the solution that we have come up with.



HON J BOSSANO:

But, Mr Speaker, what I cannot understand is what prevents the Government, who is the owner of Shiprepair Limited, putting each manager in some other flat and demolishing the seven quarters that have been made available because presumably at the end of the three years it was not the intention of the MOD that the seven quarters at Casemates would revert to them?

HON A J CANEPA:

In what other flats?

HON J BOSSANO:

Mr Speaker, if the MOD have included the seven quarters at Casemates in the forty-six that have been made available for the Gibraltar Shiprepair Limited, it was never their intention that at the end of the three year lease the seven quarters at Casemates would revert to the MOD, surely, that was never their intention. That is, at the end of the three years what the Minister is saying is those flats will then go over to the Government of Gibraltar but it would be then and only then that the work would start on the site.

HON A J CANEPA:

Of course.

HON J BOSSANO:

But would the Minister not accept therefore that since the flats straightaway being part of the forty-six under the control of the Gibraltar Shiprepair Limited for occupation by its managers who are the employees of the Company whose owner the Government is, that he is now in a position to control the seven flats?

HON A J CANEPA:

What makes the Hon Member think that the MOD is going to hand over these quarters to the Gibraltar Government for the Gibraltar Government to do with them as it pleases? They would only hand them over if either they are going to be used by GSL for the personnel of A & P or if as has now been agreed they are going to be used in the manner which is set out in the arrangements that I have explained.

HON J BOSSANO:

So, in fact, what the Government is saying is that the arrangements between GSL and the MOD is something they have no control over?

HON A J CANEPA:

We have control in the sense that we have been able to get the MOD to shift its ground and we have been able to make them see the importance of going ahead with this development and coming to a workable arrangement.

HON J BOSSANO:

Does the Minister not accept, Mr Speaker, that if he had put down the difficulties to date as emanating from the problem of satisfying the MOD as to the adequacy of the alternative accommodation, that that could be a continuing problem, that is, if there is still a commitment to provide three higher quality dwellings for MOD over and above the seven that have to be provided for the Shiprepair Company, that failure to satisfy the MOD on that could still hold up development on the project?

HON A J CANEPA:

I do not think there is any problem on that because those three will be to those specifications. It is going to be included in the build which the Ministry of Defence is going to carry out involving I don't know how many quarters.

HON J BOSSANO:

Who is going to be responsible for building it?

HON A J CANEPA:

The Ministry of Defence will build them and the developer will pay for three.

MR SPEAKER:

Next question.

THE HON M A FEETHAM

Can Government state whether Her Majesty's Government agreed to the so-called "support and sustain policy" beyond 1986 notwithstanding the fact that Spain may have lifted the restrictions on accession into the EEC?

ANSWERTHE HON THE CHIEF MINISTER

Her Majesty's Government have not as yet been approached with a request for further aid beyond the 1986 Development Programme. It has, however, been made known to them informally at every level that in our view, the need for aid continues and will continue for some time after the removal of the restrictions and that an approach will be made accordingly in due course.

SUPPLEMENTARY TO QUESTION NO. 79 OF 1984

HON M A FEETHAM:

Mr Speaker, in the light of the statement by Baroness Young on her recent visit, is the Chief Minister disturbed by the fact that she has stated that aid would be considered in the light of the existing situation at the time?

HON CHIEF MINISTER:

No, I think that goes both ways. It will be considered upwards or downwards according to what the situation is and we did not have a shopping list for her because that was not the purpose of the visit but we did point out and I did point out to the Secretary of State that we would be coming back for aid and that there should be no misunderstanding about this, and I made this quite clear to Baroness Young, no misunderstanding about this, that we do not consider that the opening of the frontier and the successful commercial operation of the Dockyard is sufficient, certainly in the next few years, to maintain the economy and that we will be coming back to them for help.

HON M A FEETHAM:

Mr Speaker, is the Chief Minister saying that in his opinion it is not time yet to go to the British Government on the next ODA programme. Shouldn't we be getting on with it now?

HON CHIEF MINISTER:

We are getting on with it now but the programme finishes in 1986 and there is still as you saw this morning, an element of surplus on that on which we have to make some project and we may make a case that we have to start negotiating the programme earlier than the end of the previous one.

HON J BOSSANO:

Mr Speaker, would the Chief Minister not agree that the statement by Baroness Young that any assistance after 1986 would have to be looked at in the circumstances of the time logically implies that it will not be looked at before?

HON CHIEF MINISTER:

She is perfectly entitled to say that even on the basis of sustain and support the programme does not finish until 1986. But we are entitled equally to demand if it is found necessary that this has got to be advanced but what is not in our view tactically convenient is to take advantage of the visit of the Minister here to put in a shopping list because, first of all, she does not bring any money, secondly, it will have to go through all the bureaucracy of the ODA and that is the way we are preparing the submission.

HON J BOSSANO:

Can the Hon and Learned Chief Minister then say that they will be making a formal submission to the UK Government for a new development programme to take over from the existing one and that that submission will be made in the current financial year?

HON CHIEF MINISTER:

It is very difficult to say the current financial year, all I can tell you is that the Forward Planning Committee which looks at this in advance, is already looking at it and identifying the areas where it is required. I think when the reference is made to the circumstances as prevailing in 1986, it is not for me to interpret it could be interpreted as I said, downwards or upwards. If, in fact, everything goes well and one of the areas which I think was brought very clearly to her from everybody was the uncertainty about our economy and one of the areas where I made it quite clear was not going to be so beneficial as some people may think, is the initial opening of the frontier.

HON J E PILCHER:

Mr Speaker, am I right in thinking then, from a tourist angle, we all heard in the last House of Assembly that we were being told that there was some money needed to boost the tourism angle for the Gibraltar Government . . . . .

HON CHIEF MINISTER:

May I just say that I will be mentioning that in my statement on tourism.

HON J BOSSANO:

Could I just ask one more question? Is the Government then saying that they do not anticipate having to ask for money for the current development programme of which we have heard only £ $\frac{1}{2}$ m remains unallocated?

HON CHIEF MINISTER:

We are putting in a bid, if you wait until later you will see.

THE HON J BOSSANO

Will Government state whether they are aware of the proposals put forward by the Spanish Government and presently under consideration by the British Government?

ANSWERTHE HON THE CHIEF MINISTER

Sir, with your permission, I will answer questions Nos. 80, 81, 82 and 83 together.

As the Hon Member and Gibraltar are aware, there has existed for over 20 years, an arrangement whereby I, as Chief Minister, am consulted, on a confidential basis, on matters relating to Spain and Gibraltar.

Former Leaders of the Opposition have also been consulted on such matters, on the same basis. Gibraltar has lost nothing as a result - quite the contrary.

The reason why the present Leader of the Opposition is not similarly consulted is that he has made it plain that he is not prepared to be consulted if he is required to observe confidentiality.

That is the Hon Member's choice, to which he is, of course, perfectly entitled.

My own view is, first, that the public discussion of these sensitive matters is more likely to be of assistance to the other side than it is to us. I believe that it would be naive to think otherwise. If I may draw a possibly appropriate analogy, no sensible Trade Union or employer would publicly reveal their tactical positions during the existence of a dispute.

Secondly, my own view is that, by agreeing to consultation on a confidential basis, which is essential to the diplomatic process, one is able, as an elected leader, to influence events by expressing, as forcibly as may be necessary, the views, wishes and interests of the people of Gibraltar. If one were to remain aloof and outside the process, as the Hon Member has chosen to be, those views, wishes and interests would not be expressed by anyone, at the right time and in the right way.

If I may say so, it is not possible, realistically, to adopt an ambivalent attitude whereby, on the one hand, the Hon Member refuses - as, I repeat, he is perfectly entitled to do - to accept information which he is not free to make public, and, at the same time, expect to obtain such information by questioning me publicly about such matters, when I, in the interests of Gibraltar and, as I say, with a view to being in a position to influence events, have accepted the need for confidentiality.

Of one thing the Hon Member and the House may be certain - and I think the experience of successive election results over the last 20 years is ample proof of this to the rest of Gibraltar, - and that is, that I am not going to acquiesce, even if any such proposition were ever to be put to me in confidential consultation, in anything which would be contrary or damaging to the wishes and interests of the people of Gibraltar.

SUPPLEMENTARY TO QUESTIONS NOS. 80, 81, 82, 83 OF 1984

HON J BOSSANO:

Does the Honourable the Chief Minister have any intention of answering the question apart from this tiny political broadcast?

HON CHIEF MINISTER:

No.

HON J BOSSANO:

I see, so the position then is that the Government will not say whether they are aware of the proposals put forward by the Spanish Government to the British Government, is that correct?

HON CHIEF MINISTER:

I am not going beyond my statement.

HON J BOSSANO:

Mr Speaker, the Honourable and Learned Member will not tell the people of Gibraltar, never mind what the consultations have been, but whether he was consulted or not before September. He refuses to tell the people that.

HON CHIEF MINISTER:

I do not refuse to tell the people that, I said that I am confidentially consulted on all matters affecting Gibraltar.

HON J BOSSANO:

Then, Mr Speaker, is the answer to my question, which is a perfectly reasonable question, I respect the Honourable and Learned Member's position the same as he says he respects mine and I am not asking him to tell me what the consultation has consisted of. I am asking him whether he was consulted by the British Government about the holding of technical talks before this was agreed with Spain. He says he is consulted on everything; am I then correct in taking that to be that the answer to question No.81 is yes.

HON CHIEF MINISTER:

The Honourable Member can make his own assumptions.

HON J BOSSANO:

Does the Chief Minister not agree with me that the laws of Gibraltar are the sole prerogative of the elected Members of this House of Assembly and should not be discussed by officials of a foreign Government with a colonial power, or does he support the line that has been taken.

HON CHIEF MINISTER:

I have nothing to add to my answer.

HON J BOSSANO:

Does the Honourable and Learned the Chief Minister not agree with me that he has got a responsibility and an obligation to the House of Assembly to tell us before any amendments have been brought to this House, if those amendments are the result of talks that have taken place with Spain.

HON CHIEF MINISTER:

When the time comes and in those circumstances, yes.

HON J BOSSANO:

I am glad I have got a yes for something, Mr Speaker.



26.6.84

NO. 81 OF 1984

ORAL

THE HON J BOSSANO

Was the Government of Gibraltar consulted by the British Government about the holding of technical talks before this was agreed with Spain last September?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with question Nos. 80, 82, 83.

26.6.84

NO. 82 OF 1984

ORAL

THE HON J BOSSANO

Has the question of reciprocity and/or equality of rights been discussed with Spanish officials at any technical talks since last September?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with question Nos. 80, 81, 83.

26.6.84

NO. 83 OF 1984

ORAL

THE HON J BOSSANO

Can Government state which of Gibraltar's laws have been discussed with Spanish officials in the recent technical talks?

ANSWER

THE HON THE CHIEF MINISTER

Answered together with question Nos. 80, 81, 82.

THE HON J C PEREZ

Can Government state which areas of the Upper Rock are open to pedestrians but not to vehicular traffic, other than MOD?

ANSWERTHE HON THE CHIEF MINISTER

1. Mr Speaker, on certain conditions pedestrians may enter the whole of the Upper Rock area above the unclimbable fence between the Police Posts at Jews' Gate and Willis's Gate, except -
  - (1) Rock Gun and Middle Hill
  - (2) Farringdon's Battery area and all its approaches
  - (3) Governor's Lookout
  - (4) The Upper Battery area (ie Lord Airey's Battery, O'Hara's Battery and Spur Battery) which includes Mediterranean Road, Martin's Path, Levant Battery and Jews' Cemetery
  - (5) Spyglass Battery, Breakneck Battery and "Highest Point"
  - (6) Any other area or place to which entry is prohibited by notice boards subject to Defence requirements.
  
2. The following roads are open to vehicular traffic -
  - (1) Queen's Road from Jews' Cemetery to Princess Caroline's Battery
  - (2) Old Queen's Road
  - (3) Cave Branch Road from Queen's Road to its junction with Spur Battery Road
  - (4) Spur Battery Road from Cave Branch Road to the lower entrance to Upper St Michael's Cave
  - (5) Upper Galleries Communication Road

SUPPLEMENTARY TO QUESTION NO. 84 OF 1984

HON J C PEREZ:

Can the Hon Member give a reason why some of these areas which he has stated are open to pedestrian and not to vehicular traffic and could he state whether the Ministry of Defence have satisfied him that the difference between a car going up there and a person walking is against Defence requirements or because of Defence sensitivities?

HON CHIEF MINISTER:

I have not sought that distinction but I think it is quite obvious that there are certain areas, first of all, where the roads are not in sufficiently good condition to allow everybody to go and there are, I imagine, and I say I imagine because I have not been told, areas which for operational purposes would be hindered if traffic went through. Looking back on the areas of the Upper Rock, all of which were really prohibited some years ago, I think we have as much area and pedestrians have got as much access to the Upper Rock as we really want. There is more in it than we really need. If the Hon Member wants to come and see me with a plan, I can get somebody to explain it to him. I am no expert on the areas.

HON J C PEREZ:

In view of the fact that visitors to the Ministry of Defence are taken by Ministry of Defence drivers through those areas in their vehicles, is it possible for the Gibraltar Government to get such arrangements for taxis taking tourists around the Rock?

HON CHIEF MINISTER:

I will pass on, if that is a very important aspect of the taxi trade, I will pass it on for permission and if so why not? I really do not know enough to be able to say but I imagine that the main reason is, that some areas must be free for operational purposes at any particular time.

THE HON J C PEREZ

Is the Chief Minister now in a position to state whether it is his intention to make public the Coopers and Lybrand Report on Water and Electricity?

ANSWERTHE HON THE CHIEF MINISTER

Yes, Sir.

SUPPLEMENTARY TO QUESTION NO. 85 OF 1984

HON J C PEREZ:

Will the Hon and Learned Member state whether he is or not?

HON CHIEF MINISTER:

Unfortunately we have very few copies but two of them will be made available to the Opposition in the first place. I hope they can take it in turn for weekend reading..

HON J C PEREZ:

Would the Hon and Learned Member consider making the Report public as well or will it only be given to the Opposition?

HON CHIEF MINISTER:

I did not say that it would be made available on a confidential basis, what I said was that there would not be enough copies to go round but, certainly, the first choice would be to the Opposition.